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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

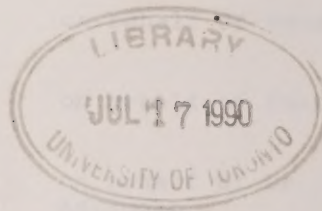
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, APRIL 26, 1989

VOLUME 41

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
D. ZAREK	on behalf of Peter Dajia
A. PRATT	on behalf of Charles Francis
MR. SOOKRAM	on behalf of Dr. M. G. Astaphan
MR. de PONCIER	on behalf of the Government of Canada
R. BOURQUE	on behalf of the Canadian Track and Field Association
T. BARBER	on behalf of the Sport Medicine Council
MR. STEINECKE	on behalf of the College of Physicians and Surgeons
D. MANN	on behalf of the Canadian Olympic Association
Mr. ASHBY	on behalf of Bishop Dolegiewicz

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---Upon resuming

THE COMMISSIONER: You've already been sworn, Mr. McKoy. You've already been sworn.

5 THE WITNESS: Pardon me?

THE COMMISSIONER: You've already been sworn.

THE WITNESS: Yes.

THE COMMISSIONER: Mr. Armstrong?

10

EXAMINATION MR. ARMSTRONG: (continued)

Q. Yes. There was one matter that I wanted to ask Mr. McKoy about in the summer of 1987. I don't think there's anything particularly significant about it but because the name has arisen from time-to-time, during the course of the hearing, I wanted to ask Mr. McKoy about it.

15

In August of 1987, you've already told us you were at the world championships in Rome?

20

A. That's right, yes.

Q. And did you have occasion, while at the world championships in Rome, to meet an American therapist by the name of Jack Scott?

A. Yes, I did.

25

Q. And I understand that he was there, at

that time, treating a number of athletes with some kind of device called a myomatic machine?

A. That's right, yes.

Q. And did you have some kind of injury at that time, a hamstring injury or something?

A. Yes, I did, yes.

Q. And did you have Jack Scott treat that injury with the myomatic machine?

A. Yes, he treated it for about a week.

Q. While you in a Rome?

A. While I was in Rome.

Q. All right. And do you have any recollection now as to whether or not the myomatic machine was of any particular assistance to you in dealing with your injury?

A. I don't think it helped very much, no.

Q. All right. And I take it that was your only involvement with Jack Scott?

A. I believe so, yes.

Q. What about in 1988? We know that he was at the nationals in Ottawa. Were you involved with him there at all?

A. I saw him there but, no, I didn't have any treatment from him.

Q. All right. And when you were treated

by him in the summer of 1987, did you have any information about him as to what his professional relationship was with any American athletes?

A. No, I didn't.

5 Q. And, in particular, did you have any information that he may or may not at that time have been connected with Carl Lewis?

A. No, I didn't.

10 Q. I take it then there was nothing more significant than you've already told us about Jack Scott? He happened to be an American therapist in Rome in August 1987, he had something called a myomatic machine; you had an injury, you sought treatment and for about a week he treated you?

15 A. That's right.

THE COMMISSIONER: Well, who introduced you to Mr. Scott? How did you get him to treat you?

THE WITNESS: I believe a number of athletes, Canadian athletes were going to see him.

20 THE COMMISSIONER: I see.

THE WITNESS: They just told me about him so I went over there.

THE COMMISSIONER: Thank you. Did Mr. Francis know this?

25 THE WITNESS: I wasn't involved with Charlie

at the time.

THE COMMISSIONER: Oh, that's right, thanks.

MR. ARMSTRONG:

5 Q. All right. Then, taking it back to where we were yesterday, Mr. McKoy, we were in 1988 and you participated, as you told us, I believe, in the nationals in Ottawa in the first week in August of 1988?

A. That's right, yes.

10 Q. And then from there you went with the Mazda group to the European circuit that began in Sestriere, Italy?

A. That's right.

15 Q. And as was the case with the others, you competed in Cesanitico, Zurich and Cologne?

A. That's correct.

Q. And the information which we have is that the group came home to Toronto early, arrived back in Toronto on August 23rd?

20 A. I'm not sure of the date but right after Cologne.

Q. Apparently there was a schedule made in Berlin but a decision was made not to participate in the Berlin meet, is that correct?

25 A. That's right, yes.

Q. All right. Now, were you involved, shortly after the arrival back in Canada in August of 1988, in a discussion or a meeting or a conversation about a further drug program prior to the Olympics?

5 A. I believe it was -- I'm not -- directly after we came back?

Q. Well, sometime shortly after you arrived back in Toronto?

10 A. There was a discussion in the parking lot up at York University with Jamie Astaphan, yes.

Q. Who was there besides Jamie Astaphan?

A. Charlie Francis and Angella Issajenko.

Q. Tell us what happened at that -- on that occasion in the parking lot?

15 A. Well, Jamie said that he had some growth hormone and that -- and he gave us a sheet of paper with how we were supposed to take the growth hormone and the Estragol, in a certain sequence...

Q. Yes?

20 A. And he gave it to us out in the parking lot.

Q. Yes. I'm sorry, could I have Exhibit 126, please? And did he give you the -- give you some growth hormone?

25 A. Yes, he did.

Q. Obviously, contained in a bottle or a vial?

A. Yes, he did.

Q. And did he give Angella Issajenko some growth hormone?

A. Yes, he did.

Q. And was the growth hormone that he gave you, was that for you and Desai Williams?

A. Yes, it was.

Q. And the Estragol, did he give you some Estragol at that time?

A. No, he didn't.

THE COMMISSIONER: Well, you had it -- you already had it, didn't you? You already told us that you already had a bottle of Estragol.

THE WITNESS: From earlier on, yes.

THE COMMISSIONER: Did he not give you any more?

THE WITNESS: No, he didn't.

THE COMMISSIONER: Did you tell him you had your own?

THE WITNESS: I'm not sure if that came up. I guess he assumed that we still had it because we never got anything -- I never got anything from Jamie in the first place. I got it from Charlie.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. All right. I am going to show you
5 what, in this hearing, has been marked as Exhibit 126 and
this is a sheet of paper that has been identified as a
protocal prepared for Angella Issajenko which she received
from Dr. Astaphan at that same meeting in the parking lot
at York University.

10 Would you just take a look at that and tell
me if you got a similar sheet of paper from Dr. Astaphan?

A. Yes, I did.

Q. And you'll notice, Mr. McKoy, that
there are dates written down the side and then there is an
15 indication of when one should take I for inosine, E for
Estragol and G for growth hormone?

A. That's right, yes.

Q. I take it you no longer have the sheet
of paper which you got containing your protocal?

20 A. No, I don't.

Q. And again, the protocal that was
prepared for you was also prepared for Desai Williams?

A. It was the same sheet of paper, yes.

Q. For both of you?

25 A. That's right.

THE COMMISSIONER: May I have that please,
Mr. Armstrong?

MR. ARMSTRONG: I'm sorry.

THE COMMISSIONER: My copy is not very good.

5

MR. ARMSTRONG:

Q. Now, was there any payment made for the
growth hormone?

A. No.

10

Q. Was there some payment to be made for
the growth hormone?

A. Yes.

Q. And what was that?

A. I think it was a thousand dollars.

15

Q. All right. We've already heard
evidence from Angella Issajenko that she indeed, at this
same time, at the parking lot at York University, right
there, paid \$1,000 cash to Dr. Astaphan.

20

I guess you were getting yours on credit,
were you?

A. I guess, yes.

Q. All right.

THE COMMISSIONER: Well, you had agreed to
pay \$1,000?

25

THE WITNESS: Yes, I had agreed to pay

\$1,000.

THE COMMISSIONER: Did you pay it?

THE WITNESS: Pardon me?

THE COMMISSIONER: Did you pay it?

5 THE WITNESS: No, I haven't paid it yet.

MR. ARMSTRONG:

Q. All right. And the -- both the growth
hormone and the Estragol and indeed the inosine mixture,
10 of course, are, as we well know by now, are required to
taken by injection.

Was there any arrangement made at that time
in your discussion with Dr. Astaphan as to who would
inject whom?

15 A. I guess again it was expected that --
that Desai and myself would give it to each other.

Q. Now, did -- did you, in fact, take the
growth hormone, injections of the growth hormone, the
Estragol and the inosine?

20 A. No, I didn't.

Q. And what did you do with the growth
hormone?

A. Eventually, I discarded it somewhere.

Q. When did you do that?

25 A. Shortly after I got it.

THE COMMISSIONER: Even though you had
agreed to pay \$1,000 for it?

THE WITNESS: Mm-hmm.

THE COMMISSIONER: I see.

5

MR. ARMSTRONG:

Q. Now, at that time in August of 1988,
just prior to going to the -- to Vancouver and then onto
the Olympics, Desai Williams was staying at your house ---

10

A. That's right.

Q. ---with you? Now, he wasn't at this
meeting in the parking lot?

A. No, he wasn't there.

15

Q. And when you went home, did you have
some discussion with Desai Williams about the fact that
Jamie Astaphan had given you this, what I call protocal,
given you this sheet of paper about when you should take
these things and that you agreed to pay \$1,000 to the
growth hormone that he had given you and so on?

20

A. I thought I had but apparently I may
not have.

THE COMMISSIONER: Were you going to pay the
whole \$1,000 yourself or were you going to share that with
Desai?

25

THE WITNESS: Well, it was supposed to be

shared.

THE COMMISSIONER: Well, wouldn't you talk to him, tell him about that, the \$500?

5 THE WITNESS: When you're thinking about winning the Olympics, a thousand dollars is not really ---

THE COMMISSIONER: I didn't ask you that. I said, did you talk -- did you not tell Desai that you owed Dr. Astaphan a thousand dollars and you were each going to pay \$500 for it?

10 THE WITNESS: I said I thought I did until now.

THE COMMISSIONER: All right, thank you.

MR. ARMSTRONG:

15 Q. All right. Then ---

THE COMMISSIONER: But you said something about if you're going to use the growth hormone to help you win the Olympics, \$1,000 isn't very much?

20 THE WITNESS: No, I didn't say that. I said if ---

THE COMMISSIONER: If you're going to win the Olympics, you said something?

THE WITNESS: Yes, that's right.

THE COMMISSIONER: \$1,000 isn't very much?

25 THE WITNESS: That's right.

MR. ARMSTRONG:

Q. All right. Then, was there any arrangement made to do any monitoring of -- of you and the other athletes prior to leaving for Vancouver and the Olympics?

A. No, there wasn't.

Q. Was there any arrangement made to have any blood tests done, for example?

A. Yes.

Q. And who made those arrangements?

A. Jamie did.

Q. And indeed, you attended an office in downtown Toronto in that period of time, before you left for Vancouver, to have some blood tests done, is that not so?

A. That's right, yes.

Q. And in addition to your going there, also Desai Williams went there?

A. Mm-hmm.

Q. Went there with you?

A. Yes, he did.

Q. You usually do some of these things together, I take it?

A. Most of the time, yes.

Q. Yes. And when you were in that office

downtown for the blood tests, did you also have occasion to have a diapulse treatment done?

A. Yes, I did.

Q. Do you know who it was that gave you the diapulse treatment?

A. I don't recall the doctor's name, no.

Q. And what -- and did Desai Williams also have a diapulse treatment?

A. Yes, he did.

Q. And what was the reason for having a diapulse treatment?

A. Well, there was two reasons. The reason I wanted it was for a bad achilles that I had but also the -- the doctor also told us to put it on our abdomen section just to aid in clearing out our system, I guess.

THE COMMISSIONER: Of drugs?

THE WITNESS: He didn't say. He just said it's an aid to clear your system out.

THE COMMISSIONER: You knew what he meant, it was the drugs? It helps you ---

THE WITNESS: It could have been just to, you know, clean ---

THE COMMISSIONER: Well, this is before you went to Vancouver?

THE WITNESS: Yes.

THE COMMISSIONER: And they put it near your liver, isn't that where they put it?

THE WITNESS: I guess, in that area, uh-huh.

5 THE COMMISSIONER: And then, do you not know it's designed to help you excrete the drugs, has some influence on excreting drugs faster?

THE WITNESS: It's could have been just to get the toxicity out of your system.

10 THE COMMISSIONER: Pardon?

THE WITNESS: It could just have been to get toxic waste and stuff out of your system.

MR. ARMSTRONG:

15 Q. In any event, this diapulse machine is some kind of a stimulating device that is used?

A. That's right, yes.

Q. And Desai Williams also had that treatment?

20 A. Yes, he did.

Q. And he had that treatment in the stomach area?

A. I would imagine, yes.

Q. Yes? And....

25 THE COMMISSIONER: Who recommended this; Dr.

Astaphan?

THE WITNESS: Yes, he did, yes.

MR. ARMSTRONG:

5 Q. And, of course, you had no objection to the treatment in your stomach area?

A. No.

Q. And, indeed, thought it might be of some assistance to you?

10 A. Yes, I did.

Q. Then we've heard from Desai Williams that Dr. Astaphan or, I believe -- I better be careful, I don't want to misstate the evidence. But, in any event, I believe it was Dr. Astaphan but -- he had a prescription, at least from Dr. Astaphan, in which he went to the drug store and bought some drugs including a drug called moduret which is a diuretic. Did you also have a prescription for---

15

A. No, I didn't.

20 Q. ---moduret?

A. No.

THE COMMISSIONER: Do you have a brother who is a pharmacist.

THE WITNESS: No, he's not a pharmacist. He works in a drug store.

25

THE COMMISSIONER: I see. Because Desai said he went to your brother to get the prescription filled?

5 THE WITNESS: Well, he -- I guess my brother just took it to the drug store for him.

THE COMMISSIONER: He works at a drug store, does he?

THE WITNESS: Works at a drug store, yes. He wasn't a pharmacist.

10 MR. ARMSTRONG:

Q. Well, whatever the drugs that were that were covered by Desai Williams' prescription, were they also to be taken by you?

15 A. I believe so, yes.

Q. And you were to take them the moduret?

A. I believe so.

Q. And you knew that the moduret was a diuretic?

20 A. I knew that the pills were diuretics. I didn't know the name of it -- I didn't know it was moduret but I knew it was a diuretic, yes.

Q. And you knew that Desai Williams was -- you knew that your brother was going to the drug store to have this prescription for the diuretic filled?

25

THE COMMISSIONER: No, his brother worked at the drug store. Desai went to the drug store.

MR. ARMSTRONG: Sorry.

5 MR. ARMSTRONG:

Q. Sorry, you knew that Desai had given the prescription to your brother to get the diuretic?

A. Yes.

10 Q. And, of course, you know that the reason for taking a diuretic by an athlete, such as you, is in order to speed up the excretion from your system of a steroid or other drug that you want to have clear your system prior to a drug test?

A. That's correct, yes.

15 Q. All right. And you, I take it then, you wanted to get the diuretic so that you would achieve that purpose, is that not so?

20 A. I didn't want to get the diuretic. I had no reason to get the diuretic. Desai got the diuretic.

Q. Well, did Desai want the diuretic in order to get the steroids out of his system?

A. I didn't ask him. We never talked about it.

25 THE COMMISSIONER: It was for both of you?

The prescription was for both of you, wasn't it?

THE WITNESS: That's right.

THE COMMISSIONER: He was to go and get them and you would both use them? That was the idea?

5 THE WITNESS: Yes, but we never discussed what he got -- what he had the prescription filled for. A few days after Jamie gave me the growth hormone, he told me that he gave a prescription to Desai.

10 THE COMMISSIONER: No. You said you knew it was a diuretic. You didn't know the name moduret?

THE WITNESS: Yes, I knew it was a diuretic, yes. But, he gave the prescription to Desai. He told me he had given the prescription to Desai.

THE COMMISSIONER: For both of you?

15 THE WITNESS: For both of us.

THE CHAIRMAN: Yes.

THE WITNESS: So Desai had it filled.

THE CHAIRMAN: I see.

20 THE WITNESS: I figured Desai knew what it was for, so we never discussed it.

THE COMMISSIONER: You didn't know what it was for?

THE WITNESS: I knew what it was for. I figured Desai knew it was for.

25 THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. And did you take any of the diuretic?

A. No, I didn't

5

10

15

20

25

THE COMMISSIONER: Did you take them with
you on your trip?

THE WITNESS: No, I didn't.

THE COMMISSIONER: You left them here in
5 Toronto?

THE WITNESS: Pardon?

THE COMMISSIONER: You left them here in
Toronto?

THE WITNESS: Yes.

10

MR. ARMSTRONG:

Q. Then --

THE COMMISSIONER: Why did you have you
prescription filled?

15

THE WITNESS: I didn't get the prescription
filled.

THE COMMISSIONER: Well, Desai got the
prescription. You knew there was a prescription for both
of you, did you not?

20

THE WITNESS: I knew there was a
prescription, yes.

THE COMMISSIONER: For both of you?

THE WITNESS: Yes. Desai gave it to my
brother to get it filled.

25

THE COMMISSIONER: All right.

THE WITNESS: I didn't know that he had given it to my brother to get it filled.

THE COMMISSIONER: When did you see them?

THE WITNESS: After my brother brought them back.

THE COMMISSIONER: All right. And Desai had them and --

THE WITNESS: They were in the bathroom, they were in my bathroom.

THE COMMISSIONER: -- showed them to you so you knew what they were?

THE WITNESS: I saw them in the bathroom.

THE COMMISSIONER: You didn't discuss them with Desai?

THE WITNESS: No, we didn't discuss it. I figured he knew what they were for, I guess he figured that I knew what it was for.

MR. ARMSTRONG:

Q. Well, here is your best friend, he is living in your house. Wouldn't you have have said, Desai, why are you taking this stuff, you don't need it.

A. Because if he brought it in to the house, I figured he knew what it was for. I didn't know if he was taking it or not, it was just there.

Q. So, you must have assumed that he got it and knew what it was for and he was taking --

A. I figured Jamie told him what it was for.

5 Q. Yes, you must have know he was taking it?

THE COMMISSIONER: When did you know what it was for first? I am just trying to understand your evidence.

10 THE WITNESS: Pardon me?

THE COMMISSIONER: You saw the pills there in --

THE WITNESS: Jamie told me what it was for.

15 THE COMMISSIONER: I see.

THE WITNESS: Jamie told me that he had given the prescription to Desai to be filled.

THE COMMISSIONER: For both of you?

20 THE WITNESS: For both of us. So, I figured if he told me, he must have told Desai.

THE COMMISSIONER: I see. All right.

MR. ARMSTRONG:

25 Q. But you and he, who are best friends, never discussed it?

A. No, we never discussed it.

THE COMMISSIONER: Well, did he take it with him to Japan?

5 THE WITNESS: I don't think so. I think it was left at home.

THE COMMISSIONER: Did you discuss that, we are going to leave it here?

THE WITNESS: No, we didn't discuss it.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

15

Q. Then, when you were in Toyko just prior to going to Seoul, or the training camp, and, indeed, a track meet in Toyko, did Dr. Astaphan give you any diuretics when you were in Toyko?

A. Yes, he did.

Q. Did he give Desai any diuretics?

A. I am not sure; I wasn't around if he did.

20

Q. He gave you a diuretic pill?

A. Yes.

THE COMMISSIONER: This is in Toyko, is it?

MR. ARMSTRONG: In Toyko.

25

MR. ARMSTRONG:

Q. Did you take that?

A. I believe I took one in front of him because he gave it to me to take right away, and I took it. And the rest I discarded.

5 Q. All right. Now, also when you were in Toyko, did Dr. Astaphan give you a bottle of vinegar and honey?

A. Yes, he did.

Q. Tell us about that please?

10 A. Well, I believe he had a few bottles, and he said there were too heavy, so could I carry one to Seoul for him. So, I did.

Q. Yes. And what did you do with the bottle when you got to Seoul?

15 A. It was in my room.

Q. Yes. And --

A. And then prior to, prior to the final of the 100 meters I gave it to Desai. And I said "Jamie told me to give this to you guys for after the 100
20 meters." And I believe I said something like, you know, you don't need it anyways, so just give it to Ben.

THE COMMISSIONER: You dropped your voice, I am sorry. You said you don't need it anyway, just give it to Ben?

25 THE WITNESS: Yes, something like that.

MR. ARMSTRONG:

Q. When Jamie Astaphan gave you the bottle of honey and vinegar, what did you understand that the purpose of it was?

5 A. Well, I had heard before that take vinegar would mask a test. So, I basically knew what it was for.

THE COMMISSIONER: I just wasn't clear on this. This was, this bottle was given to you, was it in 10 Japan?

THE WITNESS: In Japan.

THE COMMISSIONER: And you took it to Seoul, with you?

THE WITNESS: That's right.

15 THE COMMISSIONER: Then it was for the 100 meter sprinters, was that what it was for --

THE WITNESS: It was for all of us after the race, after our races.

THE COMMISSIONER: Then who took it -- 20 there was some evidence that somebody took it. Did you give it Desai to give --

THE WITNESS: I gave it to Desai.

THE COMMISSIONER: -- to give to Ben?

THE WITNESS: Yes.

25 THE COMMISSIONER: I think you said to

Desai, you don't need it, just give did to Ben; is that what you said?

THE WITNESS: Something to that effect, yes.

5

MR. ARMSTRONG:

Q. And when you gave it to Desai, was it at the request of Dr. Astaphan?

10

A. Well, he -- I am not sure if it was the day before or when he gave it to me, but he told me it was for all of us after our races.

THE COMMISSIONER: You understood that was what we call a masking agent?

THE WITNESS: Yes, I guess.

15

MR. ARMSTRONG:

20

Q. You said to mask a test, obviously, I don't want to put too fine a point on it, but obviously in order to mask any steroids that might be in your system at the time of taking a drug test --

A. That's correct, yes.

Q. -- after a race?

A. That's correct.

25

Q. Then you were scheduled to run and did run in the 110-meter hurdles on the Monday after the

100-meter event; is that right?

A. That's correct, yes.

THE COMMISSIONER: That will be the 26th, then, was it?

5 THE WITNESS: I would imagine.

THE COMMISSIONER: I am sorry, are we talking about the relay now?

MR. ARMSTRONG: No, the 110 meter hurdles.

10 THE COMMISSIONER: Yes. Was that event scheduled after the sprints were over?

THE WITNESS: Yes.

THE COMMISSIONER: All the heats and everything else?

THE WITNESS: Yes.

15

MR. ARMSTRONG:

Q. And I understand that prior to the 110-meter hurdles, you left the Athletes Village and stayed in Ben Johnson's room at the Hilton in Seoul?

20 A. That's right.

Q. Obviously, perhaps, to get a better rest and perhaps better food --

A. To get some decent food, yes.

Q. -- prior to competing on the Monday.

25 How many nights prior to your event did you stay with Ben

Johnson in his room?

A. I believe I stayed there two or three times, not in a row, but over the course that we were there.

5 Q. I see. And in any event, on the Sunday night before your event was to begin, you stayed in the Hilton with Ben Johnson?

A. That's right, yes.

10 Q. Now, when did you first learn that there was either a positive test or a possibility of a positive test of Ben Johnson?

A. I believe it was Tuesday morning.

Q. You didn't hear about it on Monday morning?

15 A. No, I didn't hear about it Monday morning.

Q. Do you remember getting up on the Monday morning before your event and going to the track?

A. Yes.

20 Q. And do you remember Dr. Astaphan coming in to Ben Johnson's room and saying he wanted to speak to him?

A. Yes.

Q. Were you there when Ben and he spoke?

25 A. No, he went to Jamie's room.

Q. I see. And then you and Ben went to, Ben Johnson, went to the track together that day for your race?

A. That's right, yes.

5 Q. All right.

THE COMMISSIONER: That's the Monday, now?

MR. ARMSTRONG:

10 Q. On the Monday, yes. Did Ben Johnson say anything about what he had discussed with Dr. Astaphan?

A. No, he didn't.

Q. All right. So, was Ben Johnson with you at the track for a good part of that morning at least?

15 A. Yes, he was, yes.

Q. And looking back on it now, did he give any indication that he was aware that there might be a problem with a positive test of his?

A. Not to me, no.

20 Q. Now, I am sorry I don't know this, how many heats or qualifying rounds are there leading up to the finals of the hurdles?

A. There was three.

THE COMMISSIONER: Three heats?

25 THE WITNESS: Three heats.

THE COMMISSIONER: Is the third the semifinals, two heats then the semis.

THE WITNESS: That's right, yes.

5 MR. ARMSTRONG:

Q. When had your first heat been?

A. It was on the Sunday.

Q. On the Sunday?

A. Uhuh-huh.

10 Q. And the second heat?

A. Two heats on Sunday.

Q. Two heats on the Sunday?

A. Semifinals and finals were on Monday.

15 Q. All right. So, on the Monday, you were going to run in the semis, and, if you were successful, in semis and the finals?

A. That's right, yes.

20 Q. And at that time you were ranked number three in the world and certainly number three among the group that were in the semis and the finals; am I right?

A. That's correct, yes.

Q. And, of course, expected to the finish in the medals, as a result you finished seventh?

A. That's right.

25 Q. Looking back or even telling us what

you believed happened at the time, can you tell us what happened as to why you finished as poorly as seventh. I mean that's poor for you, not for us mere mortals, but --

5 A. Really to this day, I don't have an explanation. It just -- I guess one of those days things just didn't go right.

Q. Mr. McKoy, I believe it's my obligation and I will fulfill it by asking you is it possible that you finished so poorly because you did not want to risk a positive drug test?

10 A. Nope.

Q. Now, you were selected to the relay team?

A. That's right.

15 Q. And I think you told us yesterday from time to time that you participated in the relay event, and the relay event came after the hurdles, later in the week?

A. That's right, yes.

Q. And I guess it obviously came after you knew that Ben Johnson had tested positive?

20 A. That's right.

Q. We, of course, know that you left Seoul before the men's 4 X 100-meter relay occurred?

A. That's right.

25 THE COMMISSIONER: What date was that

scheduled to be? What was the date for the relay?

MR. ARMSTRONG: I think it was the Friday,
but do you remember?

THE WITNESS: I am not sure.

5 THE COMMISSIONER: Okay. But you ran you
ran the finals of the hurdles on the Tuesday?

THE WITNESS: On the Monday.

THE COMMISSIONER: On the Monday?

THE WITNESS: Yes.

10 THE COMMISSIONER: And the relay was I
think the last event, probably, or last day?

THE WITNESS: Yes, it was the last day of
the games.

THE COMMISSIONER: Thank you.

15

MR. ARMSTRONG:

Q. In any event, when you ran the finals
of the hurdles, you didn't know about Ben Johnson's
positive test, I take it?

20

A. No, I didn't.

Q. Then leading up to the men's relay, of
course, you went home before that, but at the time you
went home you knew of Ben Johnson's positive test?

A. That's right, yes.

25

Q. Why did you not stay for the relay?

A. Basically I just didn't agree with the way that people were treating Ben and the Mazda group as a whole.

Q. Can you explain that, please?

5

A. Well, there was a lot of racist comments in the -- it's not so bad that other teams were, you know, looking down on Canadians because of what happened to Ben, but when our teammates -- our own teammates and our own coaches, officials were doing the same thing, I just said I don't need to take this, I can go home.

10

Q. I think you told me at one time that there was some kind of banner strung across --

A. Yes.

15

Q. -- a place in the Olympic Village that said "from hero to zero in 9.79 seconds"?

A. That's right, yes.

Q. Did that have an affect on you and the other Canadian athletes?

20

A. That was one of the things, yes. Other comments like he is not a Canadian anyway, you guys can have him -- they were talking to the Jamaican team, and said you guys can have him back now, we don't want him any more.

25

THE COMMISSIONER: Who is they?

THE WITNESS: Athletes and officials from
our team.

THE COMMISSIONER: Pardon?

THE WITNESS: Some athletes and officials
5 and coaches from our own team.

THE COMMISSIONER: From your own team?

THE WITNESS: Yes.

THE COMMISSIONER: Do you know who they
were?

10 THE WITNESS: No, I don't, no.

MR. ARMSTRONG:

Q. Well, is there any other reason why you
left Seoul before competing in the 4 X 100 relay?

15 A. Well, we were practically confined to
to our dormitory because we couldn't go anywhere. The
press was everywhere. If you leave the dormitory they
would be -- you would be swarmed. Like I had hardly eaten
in two days because we couldn't go to the cafeteria to get
20 food.

Also comments from, what's her name, Karen
Ann Leatherhead, or whatever her name is. She was saying
how he -- he knew, you know, before he ran, that Ben
tested positive, that's why he ran so poorly, stuff like
25 that. I just said I don't have to take this.

Q. Did it not occur to you that maybe the best thing to do was to, in the athletic jargon "suck it up" and hang in --

A. I don't do that sort of stuff.

5 Q. -- and run on the relay and show the -- show the country and the world that you were clean and prepared to compete?

A. I don't think I have to prove myself to anybody.

10 Q. Mr. McKoy, is it possible that you left Seoul before the relay because you feared a positive drug test if the team finished in the medals?

A. I could have been tested in the hurdles. They test the first three, and I think it's four
15 other random people. So, there was a great chance that I would have been tested there. If I thought I was going to be tested, I could not have made the finals, I could have hit down the hurdles or something in the semifinals. There was lots of ways I could have gotten around it.

20

25

Q. It was of course a surprise to you that Ben Johnson tested positive after the 100 metre final?

A. Yes, it was a surprise to me, yes.

Q. It would have been a surprise to you if you had tested positive after the 110 metre hurdles?

A. Yes, it would have.

THE COMMISSIONER: I thought you said that after the hurdles, you didn't know that Mr. Johnson had been disqualified?

THE WITNESS: I didn't.

THE COMMISSIONER: But when you competed in the finals in the relay, you did know?

THE WITNESS: In the relay--I knew the day after I finished competing in the 110 metre hurdles.

THE COMMISSIONER: You didn't know on Monday though at all?

THE WITNESS: No, I didn't know on Monday.

MR. ARMSTRONG:

Q. But knowing now or then, as you did that, to your surprise one of your teammates had tested positive. Had it not just occurred to you that maybe the risk was too great, I had better go home?

A. No.

Q. Thanks, Mr. McKoy. Those are all the

questions I have.

THE COMMISSIONER: Thank you. Mr.
Futerman?

MR. FUTERMAN: I have no questions, Mr.
5 Commissioner.

THE COMMISSIONER: Thank you. Mr,
Steinecke, do you have any questions from the College?

MR. STEINECKE: Yes, just a couple.

10 EXAMINATION BY MR. STEINECKE:

Q. I'm Richard Steinecke from the College
of Physicians and Surgeons. I just have a few questions
about your meeting in the parking lot with Dr. Astaphan at
York University.

15 A. Yes.

Q. Do you know why Dr. Astaphan gave you
the hormone and the protocol?

A. For us to use before the games.

Q. Had you asked for it?

20 A. I think there may have been discussions
about it in Europe before we came home, but I don't
specifically remember asking for it, no.

Q. You had discussions with Dr. Astaphan
about it?

25 A. Maybe with Jamie.

Q. But he wasn't your family physician?

A. No, he was not.

Q. And he hadn't treated you before?

A. No, he hadn't, no.

5 Q. Had Dr. Astaphan examined you before giving you the growth hormone and the protocol?

A. No, he hadn't.

Q. Did he warn you of any risks or side effects of the growth hormone?

10 A. No, he didn't.

Q. Had he warned you of any risks or side effects of the steroid?

A. No, he didn't.

Q. Thank you. Those are my questions.

15 THE COMMISSIONER: Thank you. Mr. Bourque, do you have any questions?

MR. BOURQUE: Yes, just very briefly.

THE COMMISSIONER: Thank you.

20 EXAMINATION BY MR. BOURQUE:

Q. Mr. McKoy, I represent the Canadian Track and Field Association. You said at the end of your evidence that you were upset with some of the things that were being said by athletes, coaches and officials on the Canadian team following Mr. Johnson's positive test

25

result. I believe the Commissioner asked you if you could name any of these people, and did I understand your response to be no?

A. That's correct.

5

Q. And these people, who you cannot identify, you have accused of saying to the Jamaican team, "You can have him back now."

A. That's right.

10

Q. And that was in reference to Ben Johnson?

A. That's right.

Q. Well, were you present for those remarks?

A. No, I wasn't.

15

Q. Where did you learn of them?

A. From other people on the team.

THE COMMISSIONER: Well, you never heard it yourself at all? You never heard this.

THE WITNESS: Not directly to me, no.

20

THE COMMISSIONER: You gave me the impression you had.

THE WITNESS: I'm sorry about that.

MR. BOURQUE:

25

Q. Who did you hear of these remarks from?

A. From other people on our team and from people on the Jamaican team.

Q. Well, can you name names for us?

A. I think Courtney Brown may have been one of them.

Q. Now just to keep this straight, Courtney Brown is one of the persons who informed you of the remarks?

A. Who I heard remarks from, yes.

Q. He certainly wasn't one of the persons who made the remark himself?

A. No, he didn't make one of the remarks.

Q. Anybody else?

A. I'm not quite sure of the Canadians. Of the Jamaicans, there were a lot of the Jamaican team because that was who it was directed to.

Q. And when did you, yourself, leave Seoul?

A. I left a couple of days after my hurdle race.

Q. So Wednesday, the 28th of September?

A. Either the Wednesday or the Thursday. I'm not quite sure of the exact date.

Q. And in those two or three days, you yourself did not hear directly any one of these comments

being made?

A. Except for whatever, Leatherhead, or whatever her name is.

Q. Carol Ann Letheran?

5 A. Yes, that's the one.

Q. Now, she was the Chef de Missione of the Olympic team in Seoul, was she not?

A. That's right.

10 Q. And she is affiliated with the Canadian Olympic Association?

A. I guess.

15 Q. You said that athletes, officials and coaches on the Canadian team were making these racial remarks. Who did you have in mind particularly when you said officials?

A. Her.

Q. Anyone else?

A. Hers weren't racial. Hers were just the remarks about me.

20 Q. Oh, I see.

A. I heard that coaches and athletes were making the other racial remarks.

Q. You didn't hear of any racial remarks being made by CTFA officials?

25 A. Their coaches, yes.

Q. But not officials?

A. Not their officials, no.

THE COMMISSIONER: Who are these coaches?

THE WITNESS: Coaches--they didn't say

5 which coaches they were because the Jamaican people
wouldn't know the names of our coaches. They just said
your coaches.

MR. BOURQUE:

10 Q. Well, how did they know they were
Canadian coaches?

A. Because they had Canadian jackets on.

Q. I see. And you can't tell us who these
Jamaican people were?

15 A. I don't know the names of all the
Jamaican people, no.

Q. Who was responsible for the banner that
upset you so much?

20 A. I'm not sure who put it up, but it was
on a Canadian building. I heard it was one of the
Canadian teams, but it wasn't the track team itself.

Q. Well, again, who did you hear this
from?

A. Rumours in the village.

25 Q. Thank you. I have no further

questions, Mr. Commissioner.

THE COMMISSIONER: Thank you. Mr. Sookram,
any questions?

MR. SOOKRAM: Just one, sir.

5

EXAMINATION BY MR. SOOKRAM:

Q. Mr. McKoy, am I right in saying that
from time to time you have spent some time in the company
of Mr. Johnson at his house?

10 A. Yes, I have.

Q. Can you remember if on any occasion you
had cause to relay a call from Dr. Astaphan to Mr.
Johnson? Just to, say, call him?

A. I don't recall, no.

15 Q. You can't recall?

A. No.

Q. Thank you. No further questions.

THE COMMISSIONER: Mr. McMurtry?

MR. McMURTRY: Just very briefly, Mr.

20 Commissioner.

EXAMINATION BY MR. McMURTRY:

Q. Mr. McKoy, when you returned from
Seoul, did Charlie Francis not suggest that you take
another or give another urine sample that might be tested

25

in order to support your view that you would not have tested negative?

A. Would not have tested positive.

Q. I'm sorry, tested positive?

5

A. Yes, he did.

Q. And when was that test taken? How long after your return from Seoul?

A. I believe the day after I came back.

10

Q. Yes. And do you know what happened to that sample?

A. I have no idea.

Q. It was Charlie's view that you should provide that sample in order to satisfy at least the Canadian Olympic officials that--

15

A. It was to satisfy the public.

Q. That the test would be negative -- I beg your pardon?

A. To satisfy the Canadian public.

20

Q. I see. Charlie was concerned about that?

A. Yes.

Q. Now you have already told us that you and Desai Williams are the closest of friends. He is your best friend, and I think he has described you as his best friend.

25

A. That's correct, yes.

Q. And you work out most days together?

A. That's correct.

Q. And you told us yesterday that you and
5 Ben Johnson work out almost daily?

A. That's correct.

Q. You have become very close friends?

A. Yes, he have.

Q. And for how long has that friendship
10 been as close as it is now? For what period of time?

A. Probably since I came back to the group
last year, in the fall of '87.

Q. Fall of '87 you have been in a very
close relationship?

15 A. Yes.

Q. Those are all the questions I have.
Thank you, Mr. Commissioner.

THE COMMISSIONER: Any re-examination, Mr.
Armstrong?

20 MR. ARMSTRONG: No, I don't.

THE COMMISSIONER: I just have a few
questions if I could, Mr. McKoy. I have been looking at
this protocol, and I think Mrs. Issajenko said that all
the athletes in this little group of Mr. Francis' were
25 given a protocol by Dr. Astaphan before they went to

Seoul. You got one for yourself and Desai--

THE WITNESS: There were only two given out, one to Angie and one to myself.

THE COMMISSIONER: Well, we have heard from
5 her that she thought others got it too, but we'll leave it there. It describes three matters which were being checked; one inosine, one Estragol and one growth hormone.

THE WITNESS: Yes.

THE COMMISSIONER: And also you were
10 advised to keep the growth hormone in the fridge, not frozen?

THE WITNESS: I would imagine. I guess. I can't remember.

THE COMMISSIONER: Well, did you put it in
15 the fridge when you got home?

THE WITNESS: It never made it into the house, no. It was in my car.

THE COMMISSIONER: I don't understand. You
20 just agreed to pay \$1,000 for something and you left it in the car?

THE WITNESS: I wasn't planning on using it anyway.

THE COMMISSIONER: It was always left in
the car?

THE WITNESS: I had it in my car for maybe
25

a day or so before I discarded it.

THE COMMISSIONER: Before what?

THE WITNESS: Before I discarded it.

THE COMMISSIONER: So it never got into the
5 apartment at all?

THE WITNESS: No, it never came in the
house at all.

THE COMMISSIONER: And what you told Desai,
that you agreed to pay \$1,000 between you, but you just
10 threw it out, never brought it into the apartment?

THE WITNESS: Like I said, \$1,000 didn't
seem like that much money at the time.

THE COMMISSIONER: Well, it's a lot of
money for something you're not going to use for anybody, I
15 would have thought. I mean, it's just like taking a
\$1,000 bill and throwing it down the drain.

THE WITNESS: Like I said, it didn't seem
like a lot of money at the time.

THE COMMISSIONER: Well, then this protocol
20 also told everybody what days they were to take these
various substances. You knew that?

THE WITNESS: Yes.

THE COMMISSIONER: And if you followed the
protocol, then the last injection under the E would have
25 been September the 2nd; would that be right?

THE WITNESS: I can't remember. I haven't seen it in a while.

THE COMMISSIONER: And it was at the same time that you got the prescription for the diuretics?

5 THE WITNESS: No, I had the prescription a few days later.

THE COMMISSIONER: I understand. A few days later, Dr. Astaphan gave a prescription to Desai for both of you?

10 THE WITNESS: That's right.

THE COMMISSIONER: And you knew what diuretics were for?

THE WITNESS: That's right.

15 THE COMMISSIONER: And that prescription was filled by you and Desai at the drugstore?

THE WITNESS: Yes.

THE COMMISSIONER: Not much money. You paid for these things, didn't you?

20 THE WITNESS: I would imagine Desai gave my brother the money, yes.

THE COMMISSIONER: And that just stood in the bathroom shelf unopened and unattended, as it were?

THE WITNESS: That's right.

25 THE COMMISSIONER: And then when you were in Japan, you were given more diuretics by Dr. Astaphan?

THE WITNESS: That's correct, yes.

THE COMMISSIONER: Did he hand them to you?

THE WITNESS: Yes.

THE COMMISSIONER: And did you take them?

5 THE WITNESS: I believe I took one.

THE COMMISSIONER: Pardon me?

THE WITNESS: I believe I took one of them.

THE COMMISSIONER: What did you do with the
other pills?

10 THE WITNESS: I threw them away.

THE COMMISSIONER: Right away?

THE WITNESS: As soon as I got back to my
room.

THE COMMISSIONER: I see. And at the same
15 time, you got honey and vinegar?

THE WITNESS: later on just before we left
Japan, yes.

THE COMMISSIONER: For Seoul?

THE WITNESS: That's right.

20 THE COMMISSIONER: And you knew that was a
masking agent, I think we call it?

THE WITNESS: That's correct, yes.

THE COMMISSIONER: And that was for what,
for the whole group?

25 THE WITNESS: That was supposedly for

myself, Desai and Ben.

THE COMMISSIONER: For yourself, Desai and Ben. And you carried this with you to Seoul?

THE WITNESS: That's right.

5 THE COMMISSIONER: And then I think on the morning of the finals, did you not give Desai this bottle to give to Ben?

THE WITNESS: Either the morning of the finals or the night before. Something like that, yes.

10 THE COMMISSIONER: I think you said to Desai, "You don't need it, just give it to Ben". Is that what you said?

THE WITNESS: Something to that effect.

15 THE COMMISSIONER: I just want to ask you a couple of questions about your arrangement with the Canadian Track and Field Association. How long ago--have you been a carded athlete for many years?

THE WITNESS: Yes.

20 THE COMMISSIONER: And you were carded, obviously, in '87-'88?

THE WITNESS: Yes, I was.

THE COMMISSIONER: And you would be an A-card, I suspect?

THE WITNESS: Yes.

25 THE COMMISSIONER: And apart from monthly

stipend, did that help you get some scholarship for your schooling? Did you draw on that money for your schooling as well?

THE WITNESS: When I was at York, yes.

5 THE COMMISSIONER: So that you are getting this fund and not only for your monthly allowance, but to help you get the scholarship at the school?

THE WITNESS: That's correct, yes.

10 THE COMMISSIONER: And in order to get that money, you had to sign a contract, didn't you?

THE WITNESS: I would imagine, yes.

THE COMMISSIONER: Well, did you not sign a contract?

15 THE WITNESS: Most of the stuff that the Canadian Track and Field Association sent me I filed under "G".

THE COMMISSIONER: Pardon me? Under what?

THE WITNESS: I put it in the garbage.
Many times the athletic--

20 THE COMMISSIONER: I just want to know. I thought -- maybe the CTFA are quite lax in this. They are obligated under the Sports Canada direction to enter into a contract with all the athletes. It sets out the terms and conditions for you getting the money from the
25 Government of Canada.

THE WITNESS: Many times they phoned me up and asked me about it because I had thrown it away so they had to send me a new one.

THE COMMISSIONER: Well, did you ever sign
5 a contract with the CTFA?

THE WITNESS: Of course, yes.

THE COMMISSIONER: Pardon?

THE WITNESS: Yes.

THE COMMISSIONER: And you knew that it was
10 a term of the contract that you would not be in the possession of or use drugs?

THE WITNESS: That's right, yes.

THE COMMISSIONER: And yet in accepting
your testimony, you not only used them on occasion, but
15 you were in possession of them for quite a long period of time?

THE WITNESS: Over the past year, yes.

THE COMMISSIONER: And did you not even
consider or concern yourself that it was a breach of the
20 contract and that's why--it was a condition of your contract to get your funding that you would not use or be in possession of drugs?

THE WITNESS: I never took anything the
CTFA said seriously.

THE COMMISSIONER: Pardon me?
25

THE WITNESS: I said I never took anything the CTFA said seriously, especially contracts from them.

THE COMMISSIONER: It wasn't just contracts, but you were being funded. Did the funding go
5 along all the time, even when you were getting endorsements from Mazda and so on? Did that funding continue?

THE WITNESS: Yes, it did.

THE COMMISSIONER: So as far as you're
10 concerned, it's a useless exercise for Sports Canada to insist on these contracts being entered into, I guess?

THE WITNESS: I would say it's useless. There is a lot of things in there that aren't necessary.

THE COMMISSIONER: Including the
15 undertaking not to use or possess drugs?

THE WITNESS: No, that's a good contract.

THE COMMISSIONER: Pardon?

THE WITNESS: That part is very valid.

THE COMMISSIONER: But you paid no
20 attention to it. I just want to find out. You paid no attention to it at all. Did you think about the contract at all? I guess not.

THE WITNESS: Pardon me?

THE WITNESS: Did you think about the
25 contract at all when you had the drugs in your apartment?

THE WITNESS: Not at this point, no.

THE COMMISSIONER: And carrying them
around?

THE WITNESS: Not at this point.

5 THE COMMISSIONER: I see. Are you still at
York now?

THE WITNESS: No, I'm not.

THE COMMISSIONER: What are you doing now?

THE WITNESS: I sell real estate.

10 THE COMMISSIONER: Okay, thank you very
much, Mr. McKoy.

THE WITNESS: Thank you.

MR. ARMSTRONG: Although it's a little
early, we have to organize our papers for the next
15 witness.

THE COMMISSIONER: All right, we will take
a short break now.

---Short adjournment.

20

25

---Upon resuming

THE COMMISSIONER: Mr. Armstrong?

5 MR. ARMSTRONG: Mr. Commissioner, the next
witness is Peter Dajia.

THE COMMISSIONER: And Mr. David Zarek is
your name?

MR. ZAREK: Yes.

THE COMMISSIONER: You act for Mr. Dajia?

10 MR. ZAREK: Yes, Mr. Commissioner.

THE COMMISSIONER: All right, thank you.

PETER DAJIA: Sworn

15 THE COMMISSIONER: All right.

MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner.

EXAMINATION BY MR. ARMSTRONG:

20 Q. Yes, thank you. Mr. Dajia, you are a
Toronto native born in the city on January the 27th, 1964,
is that correct?

A. Yes, I am.

25 Q. And you attended high school at
Birchmount Collegiate from where you graduated with your

Grade 13 diploma in the spring of '83?

A. Yes.

Q. And then you went to Clemson University in South Carolina on a full track scholarship?

5 A. Yes, I did.

Q. You were at Clemson from the fall of 1983 to the spring of 1985 studying a course in administrative management, is that correct?

A. Yes, that's correct.

10 Q. Then I understand you transferred to the University of Texas in Arlington in the spring of 1985 where you are still a student about to graduate next month?

A. Correct.

15 Q. And you are about to graduate, you hope and we all hope, with a Bachelor's Degree in Physical Education?

A. That's right.

20 Q. And your plans for the future are --
THE COMMISSIONER: What school are you at now? Where?

THE WITNESS: Pardon?

THE COMMISSIONER: What college are you at now?

25 THE WITNESS: University of Texas,

Arlington.

THE COMMISSIONER: Texas?

THE WITNESS: Arlington.

5 THE COMMISSIONER: Arlington, thank you. I
didn't get the last name.

MR. ARMSTRONG:

Q. Various campuses. There is one at
Austin and one in Arlington, perhaps elsewhere.

10 A. El Paso; it's a big chain of schools.

Q. I take it, it's a state university, is
it?

A. Yes, it is.

15 Q. And then your plans for the future are
to either go into teaching or coaching or perhaps both?

A. More or less, yes.

Q. All right. Now, I wanted to take a
moment to review with you your athletic career. In high
school you competed as a shot-putter, discus thrower?

20 A. Yes, I did.

Q. And although you got more serious in
your later years, throughout the course of your high
school career, you were consistently in the top four or
five in the meets you entered in the shot put?

25 A. Yes, I was.

Q. Then in Grade 12, from Birchmount, you won the High School Ontario Championship in the shot put, is that right?

A. That's right.

5 Q. You finished off in Grade 13 being the Ontario champion in both the shot put and discus?

A. That's correct.

10 Q. Then as you just indicated a moment ago, you went to Clemson on a full track scholarship and I understand that in your first year at Clemson you only participated in three meets because you, first of all, fractured a bone in your throwing hand and then you got back training and fractured a bone in your leg?

A. That's correct.

15 Q. All right. But nevertheless, you, in the -- in the two or three meets you were in, you placed third on one occasion and one -- came first on two other occasions in the shot put?

A. That's right.

20 Q. Then when you went to the University of Texas in the spring of 1985, you were red-flagged which I understand means you have to sit out a year when you transfer?

A. That's correct. It's called red shirt.

25 Q. A red shirt, sorry.

A. And when you transfer, you have to sit out a year.

Q. All right. In any event, did you, after sitting out the year, participate in the track team at Texas?

A. Yes, I did.

Q. And when you were at Texas, were you there on a track scholarship?

A. Yes, I was.

Q. Your first season of competition at Texas, obviously because you sat out, would have been in the spring of '86, I take it?

A. That's right.

Q. And again, you consistently placed in the finals in your event, the shot put, at the University of Texas?

A. That's right.

Q. And, indeed, on more than one occasion found yourself in first place?

A. That's correct.

Q. And then when you were at Texas, you were, in one year during your career, picked as all conference in both the indoor and outdoor and the shot put?

A. That's right.

Q. Was that one year or was that more than one year?

A. Well, it was two years that we were in the conference.

5 Q. All right. Then, Mr. Dajia, I understand that you kept up your association with track and field in Canada by becoming a member of the Scarborough Optimist group and, during the summer months, you trained under and were coached by a coach called Ivan
10 Pintaric?

A. That's correct.

Q. And he was sometimes assisted by a coach called Mike Mercer?

A. At the time, yes. This is, I believe,
15 in -- from '83, '84.

THE COMMISSIONER: What was the name?

MR. ARMSTRONG: Mike Mercer.

THE COMMISSIONER: Mike Mercer, thank you.

20 MR. ARMSTRONG:
Q. And Mr. Pintaric and Mr. Mercer were both coaches associated with the Scarborough Optimist group?

A. Yes, that's correct.

25 Q. And Mr. Pintaric, as well, had been

your old high school coach at Birchmount Collegiate?

A. That's true.

Q. All right. And then just looking at my
trusty computer printout from the CTFA, let's just cover
5 some of the competitive highlights.

You, in 1983, competed in the Canadian
National Indoor Championships in the shot put placing
second, is that correct?

A. That's correct.

10 Q. You also, in 1983, were a member of the
Canadian junior team participating in a three country meet
in Canada, Italy and the USA which took place in
Sherbrooke and there was a subsequent meet between the
three countries in the United States, is that correct?

15 A. That's correct.

Q. And then looking ahead, it looks like
'84 was not a banner season for you in Canada. You must
have remained down in Texas, did you?

A. No, I came home but I had broken a leg.

20 Q. Oh, that's right. I'm sorry, you had
broken your leg.

A. So, I could not compete during the
summer.

25 Q. In '85 you participated in the Canada
Games and stood first in the shot put, is that correct?

A. That's correct.

Q. You also competed in the National Outdoor Championships placing fourth?

A. That's correct.

5 Q. Then in 1986, you competed in a meet in Dallas. I take it that was an indoor meet, Dallas Invitational Meet, was it?

A. Yes, it was.

10 Q. And placed fourth in the shot put. Then you competed early in the outdoor season in West Germany at an international meet representing Canada?

A. Yes, I did.

Q. By that time were you then on the Canadian national team?

15 A. As far as I know, yes.

Q. All right. And then also in 1986, you competed in the Canadian National Championships in June in Ottawa?

A. Yes, I did.

20 Q. All right. And in that event, you finished third?

A. Right.

25 Q. We'll have more to ask you about the National Championships in Ottawa. I'll come back to that later.

Then in 19 -- you did not compete in 1987 but you came back briefly and competed in 1988 in -- perhaps I'm wrong.

5 Did you continue to -- after the national championships, might as well get it out now -- we'll come back to it later -- after the national championships, you ended up being disqualified because of a positive drug test in June of 1986?

A. That's right.

10 Q. You were disqualified and suspended for an 18 month period?

A. That's right.

15 Q. Which, as we'll hear, turned out to be longer than that but your suspension, did that permit you to continue competing in the U.S. Collegiate circuit?

A. Yes, I was able to compete for my school, as far as the NCAA's were concerned.

20 Q. All right. And you indeed competed in the NCAA Championships in 1988 and you returned to Canada and competed in August of 1988 at the National Championships?

A. Yes, I did.

Q. And finished second in the shot put?

A. Yes.

25 Q. Now, I want to take you back to the

summer of 1983. After you had finished high school, you were then heading for Clemson on a track scholarship and that summer were you training up at York with the Scarborough Optomist group?

5 A. No. I was training at Birchmount Park Collegiate with my coach.

Q. I see. And did you, at that time, give some consideration to going on a steroid program?

A. Yes, I did.

10 Q. And how did that arise?

THE COMMISSIONER: Excuse me. How old were you then, Mr. Dajia.

THE WITNESS: Nineteen.

15 THE COMMISSIONER: Nineteen. Go ahead, Mr. Armstrong, I'm sorry.

MR. ARMSTRONG:

Q. Yes?

20 A. Mike Mercer, I mean, more or less, said 'Hey, Pete, you know, you realize the top throwers in the world are taking it and not just throwers, you know, but I guess, top level athletes around the world. You kind of have to make a decision whether you want to be the best you can be or, hell, just do it recreationally.'

25 And I said, 'Hey, you know, I'm very

competitive,' and I wanted to be the best I can be; I wanted to win. So I decided to go on a program.

Q. All right. And what did you do about going on a program?

5 A. I spoke to Bishop Dolegiewicz, as far as obtaining some to take with me.

Q. As far as?

A. As far as obtaining some Dianabol and methandrostenolone.

10 Q. Now, was Bishop Dolegiewicz known to you?

A. Yes, he was.

Q. And where was he in the summer of 1983?

15 A. He was -- well, he was in Toronto for -- well, briefly. That's where I met him and I had known him previously but that's where I purchased some Dianabol pills from him.

Q. All right. Now, where did you purchase some Dianabol pills from him?

20 A. At Birchmount Stadium.

Q. Was he working out or training there himself?

A. Yes, he was.

25 Q. And what did you do, just walk up to him and ask him if you could buy some Dianabol pills?

A. Yes, more or less, yes.

Q. And what did he say?

A. He said sure, he had some with him and I gave him the money and then he went and gave me two
5 envelopes, each with 100 Dianabol pills in it and that was it.

Q. He said he -- you gave him the money and he went. Where did he go?

A. He went to the back of his car, his
10 trunk.

Q. Yes?

A. And he was there for a few minutes and came back and gave me two envelopes.

Q. And how many pills did he give you?

A. There were 200.
15

Q. How much did you pay for them?

A. At \$25 a hundred, I paid \$50.

Q. Yes. And did you have any discussion with him about dosages, of how many you should take or
20 anything like that?

A. No, not really. Not that I can remember, no.

Q. All right. Was there any discussion with Mr. Dolegiewicz about clearance times?

A. No, not at that time, no.
25

Q. All right. When you had the -- when you say the -- this was -- I take it in the summer of 1983?

A. That's correct.

5 Q. Do you remember approximately when in the summer?

A. I would say August. Roughly August, yes.

10 Q. And was that -- did that purchase of the Dianabol take place sometime shortly after you had the discussion with your coach, Mike Mercer?

A. Right.

Q. And was it he that suggested you go to Dolegiewicz to get the steroids?

15 A. I don't remember.

Q. All right. Then, you say that you didn't have a discussion with Dolegiewicz at that time about clearance times. Did you have a discussion with him at some other time about clearance times?

20 A. Yes, we'd get together and talk, like at nationals, as far as the clearance time for certain drugs.

THE COMMISSIONER: What about the dosage, though? Who was ---

25 THE WITNESS: I really don't remember

discussing that with him.

THE COMMISSIONER: Well, did you start taking them sometime for yourself.

THE WITNESS: Yes, I did.

5 THE COMMISSIONER: Well, would you know how many to take a day?

THE WITNESS: I took four a day.

THE COMMISSIONER: Who told you that was the right dose, anybody?

10 THE WITNESS: I don't remember.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

15 Q. And do you know what quantity was contained in each pill?

A. Five milligrams.

Q. So, you took 20 milligrams a day?

A. Twenty milligrams, yes.

Q. And how frequently, every day?

20 A. Yes.

THE COMMISSIONER: For what period of time? Were you on -- we've heard the word cycle around here. Were you on it for so many weeks.

25 THE WITNESS: It depended. You know, I tried six week cycles; I tried four weeks cycles.

THE COMMISSIONER: Well, who explained that to you? Was this on your own or did you discuss that with anybody?

5 THE WITNESS: I guess through, you know, the throwers. I really don't remember right now, I mean, anything specific about it.

MR. ARMSTRONG:

10 Q. All right. Then when you said that you would get together at the nationals, and so on, and talk about clearance times with Bishop Dolegiewicz, I just want to be a little more precise about this, if we can, can you remember when it was that you would have discussed with Bishop Dolegiewicz clearance times?

15 A. I would imagine '85. And also '86, just before my event.

Q. This, I take it then, must have been a fairly common topic of discussion sometimes between you and Dolegiewicz, was it?

20 A. More or less. I mean, it popped up once in a while, yes. I mean, he was known for, you know, that sort of thing.

Q. All right. And then the tablets that you purchased from Bishop Dolegiewicz in the summer of 25 1983 at Birchmount Stadium, the 200 for \$50, do you

remember what colour they were?

A. Blue.

Q. Then you went down to Clemson in the fall of '83 to begin your university career and your track scholarship. Did your coaches at Clemson become aware that you were on a steroid program there?

A. No, not at Clemson but they were aware at Texas.

Q. All right. Now, I haven't tried to do the arithmetic of four tablets a day, and so on, but presumably at some point you must have run out of the supply that you purchased from Bishop Dolegiewicz?

A. Actually, I didn't because I started taking them and that's when I had the problem with my wrist so I got slapped in a cast and then I stopped taking them. I saw no need in taking them. I could not lift upper body or throw so there was no need in taking them.

THE COMMISSIONER: When did you hurt your wrist, '83 you were saying, '84?

THE WITNESS: Well, it was a nagging injury from '82 and it was finally diagnosed as a broken bone in my wrist in '83, the fall of '83.

THE COMMISSIONER: Which wrist?

THE WITNESS: My throwing hand, my right.

MR. ARMSTRONG:

Q. And this was the fall of '83 that you injured it?

5 A. Well, that's when it got diagnosed, yes.

Q. That's when it got diagnosed?

A. Yes.

Q. So you were effectively were out then except for the three meets in the spring of 1984?

10 A. That's right.

Q. And then you broke your leg?

A. Right.

Q. So, again not to try anybody's patience by going through pill by pill, dose by dose, is it fair to say that in the summer of '83, fall of '83, you were on a program of Dianabol; then when your wrist injury was diagnosed, you couldn't lift, you couldn't throw, you didn't see any need to take the Dianabol?

15 A. That's correct. Except for it wasn't the summer of '83. It was -- it was when I first started college at Clemson.

Q. I see. When you started the cycling?

A. In the fall -- right.

Q. It was obviously ---

25 A. I purchased them in the summer.

Q. All right. Then went down to Clemson and started your cycle or cycles?

A. That's true.

5 Q. All right. And so '84 then is the spring that you're more or less out-of-competition except for the three meets. Do you take any steroids during that period?

A. Just prior to that for about two weeks and then, you know, I broke my leg so I stopped it again.

10 Q. All right. Now, while you were in Clemson did you obtain any steroids down there?

A. I believe once.

Q. Yes. Without naming a particular name, can you tell us what the general source might have been?

15 A. It was an old football player.

THE COMMISSIONER: Pardon? I didn't hear the answer?

20 THE WITNESS: It was an old football -- ex-football player.

MR. ARMSTRONG:

Q. All right. And what kind of drugs did you get?

25 A. I don't really remember. I think it was Dianabol again or maybe it might have been Anavar

also. As far as I remember, I think it was Dianabol.

Q. All right. Then, once you break your leg, are you out for the balance of the 1984 season?

A. That's right.

5 Q. All right. And then you transfer to Texas in the spring of '85?

A. That's right.

Q. Were you on a track scholarship in Texas as well?

10 A. Yes, I was.

Q. And during the 1985 season, in Texas, were you on any kind of steroid program?

A. Yes, I was.

Q. And just generally, what was that?

15 A. Anavar and Dianabol.

Q. Now, the Dianabol, was that from the original supply from Bishop Dolegiewicz?

A. No, it wasn't.

20 Q. That was, I assume, the supplement, if I can call it that, that you got from the ex-footballer in Clemson?

A. It was either that or some pills I purchased from a doctor in Fort Worth.

25 Q. All right. And the Anavar that you mentioned, did you get that from somebody in Texas?

A. Right.

Q. Who was that?

A. Same doctor.

Q. Again, without naming names?

5 A. Same doctor.

Q. Same doctor, a doctor in Fort Worth?

A. Yes.

Q. And I take it that this must have been
a doctor who was known for making these kinds of steroid
10 drugs available, is that it?

A. Yes, he was.

Q. And I -- you told me, when we had our
pre-hearing meeting, that it was simply a case of going
into a doctor's office and, in fact, indicating to the
15 doctor what it was you wanted and you simply got it?

A. That's true.

THE COMMISSIONER: By prescription or did
you get the pills themselves?

THE WITNESS: No, he actually gave me a
20 prescription and we'd go to the pharmacy downstairs and I
guess they had a deal worked out with the pharmacist and
we'd fill them out there.

THE COMMISSIONER: Thank you.

25

MR. ARMSTRONG:

Q. Now, up to the spring of 1985, Mr. Dajia, was there any monitoring done of your steroid program when you were taking steroids?

5

A. No.

Q. So, you didn't ---

THE COMMISSIONER: What do you mean by monitoring?

10

MR. ARMSTRONG: Well, I was just going to follow that up.

MR. ARMSTRONG:

Q. What I mean is, you didn't go to a doctor and have a doctor check you regularly?

15

A. Other than the one in Fort Worth. I mean, he wanted us to get a liver and blood work done but, you know, it cost too much money to get that done so we just didn't do it.

20

Q. I suppose down -- where you were in Texas ---

A. Right.

Q. ---you didn't have the advantage of a government health plan?

A. No, there is no OHIP.

25

Q. All right. And ---

THE COMMISSIONER: But he gave it to you anyway? He gave a prescription anyway?

THE WITNESS: Yes, he did.

THE COMMISSIONER: He recommended these
5 liver tests?

THE WITNESS: He recommended them....

THE COMMISSIONER: The same doctor that you purchased -- you got the prescription for --

THE WITNESS: That's right.

10 THE COMMISSIONER: ---from?

THE WITNESS: That's right.

THE COMMISSIONER: But then you went down and filled the prescription without taking the tests?

THE WITNESS: That's true.

15

MR. ARMSTRONG:

Q. All right. Then, you -- although you didn't go to a doctor, were you in a position at all, at any time, to assess if you suffered from any side effects
20 at all from the steroid program you were on?

A. I knew the side effects. There was one time when I took these Winstrol tablets for about two weeks and I just started getting headaches and I just stopped it and they went away. That's about the worse
25 side effective I've ever had.

Q. Okay. What was the source of the Winstrol tablets?

A. Same doctor.

Q. Same doctor?

5 A. Mm-hmm.

Q. In Fort Worth?

A. Right.

Q. All right. Now, you apparently got sick in the spring of 1985 and you were suffering from mononucleosis?

10

A. That's right.

Q. Mononucleosis?

A. That's true.

Q. Did that cause you to lose some weight?

15 A. Yes, it caused me to lose 20, 25 pounds of body weight.

Q. And did you come back to Toronto during the summer months in '85?

A. Yes, I did.

20 Q. And did you have occasion, in the summer months of '85, to have a discussion with Charlie Francis about the fact that you had mononucleosis and you had lost some weight?

A. That's true.

25 Q. And did Mr. Francis make any suggestion

to you as to what you might do?

A. He recommended I go see Dr. Astaphan.

Q. And did you go and see Dr. Astaphan?

A. Yes, I did.

5 Q. Okay. Tell us about that, please?

A. I called his office up, set an appointment up, went in and talked to him and told him Charlie sent me. And he proceeded to give me a bottle of this mixture.

10 Q. All right. And what was in the mixture?

A. He told me it was some drug from "East Germany" called Estragol. Well, actually at the time he didn't tell me it was Estragol but later on I found out it to be Estragol.

15 Q. Yes?

A. He just told me it was a mixture.

THE COMMISSIONER: Who told you it was Estragol. From Dr. Astaphan?

20 THE WITNESS: Dr. Astaphan. I asked him later that summer.

THE COMMISSIONER: I see. The first time he just gave it to you?

THE WITNESS: Right.

25 THE COMMISSIONER: Had you told him you had

been on a steroid program?

THE WITNESS: Yes, I did. He was curious to find out as far as, you know, what gains I would make on certainly drugs and stuff like that. So we just sat there and talked basically.

5

MR. ARMSTRONG:

Q. All right. And was there -- I'm sorry, I took my attention away from you at the moment which I shouldn't have done.

10

Did -- Dr. Astaphan told you he was giving you this mixture that he had gotten from East Germany, did he indicate to you what the mixture was composed of although he didn't mention Estragol right at that time?

15

A. I knew it was inosine.

Q. Yes?

A. And he just said he traded the inosine that he got from a doctor that -- somebody who was making it for him in Japan, he traded it apparently with an East German coach or doctor, I'm not sure, and he received the Estragol which he mixed with the inosine and proceeded -- and gave it to me.

20

Q. All right. Now, the Estragol that he mixed with the inosine, did you understand that to be a steroid?

25

A. Yes, I did.

Q. When was it that you ---

THE COMMISSIONER: I'm sorry -- he told you
that he trade inosine for Estragol, is that what you're
5 saying?

THE WITNESS: That's right.

THE COMMISSIONER: That he got from where?

THE WITNESS: He got the inosine from Japan
and the Estragol from an East German official or doctor or
10 coach, I'm not sure right now, I can't remember.

THE COMMISSIONER: Thanks.

MR. ARMSTRONG:

Q. All right. And then the -- when he
15 first told you that you didn't, of course, know that this
substance was something that he called Estragol, when was
it that he told you that it was Estragol?

A. It was later that summer. I kept
nagging him about telling me what it was, you know. I
20 wanted to know what he had given me and he finally told me
it was Estragol and I asked him what that was and he said
some East German drug. He just said, don't worry about
it, just take it and I did.

Q. All right. Now, the inosine and the
25 drug called Estragol we know are both injectables. Did he

do the injections?

A. No, he didn't.

Q. What arrangements were made for the injections?

5 A. He wanted me to come into his office to get injections and I said, I really can't afford to come in, you know, two, three times a week. You know, I don't have the time. So he gave me a bottle and some syringes and I did it myself.

10 Q. All right. And had you ever used a syringe to inject anybody, including yourself, before?

A. No.

Q. And did he show you how to use the syringe?

15 A. He didn't show me, no.

Q. Did you ask him to show you?

A. No.

Q. And I take it you're unlike the Commissioner, you're not very squeamish ---

20 A. No.

Q. ---and you didn't have any problem about the idea of injecting yourself, is that it?

A. No, I didn't.

Q. And did you inject yourself with the
25 what you believed to be the inosine Estragol mixture?

A. Correct.

5

10

15

20

25

THE COMMISSIONER: Was it all mixed up at one time or did you get two different vials?

THE WITNESS: It was all mixed up.

5 MR. ARMSTRONG: All right.

THE COMMISSIONER: Well, that wouldn't be --

MR. ARMSTRONG: Yes, no, I --

10 THE COMMISSIONER: -- listed on the mixture.

MR. ARMSTRONG:

15 Q. -- I just want to see if you got it. I am showing you a vial. This won't look like the stuff you got, I don't think, but what about the vial that you got? Unfortunately that's got a tape on the top of it --

A. Okay.

Q. -- but imagine that without a tape on it and you can see there is a bit of a metal top on it?

20 A. That's not it.

Q. Does that look like the vial?

A. No.

25 Q. All right. What -- the Inosine and Estragol that were mixed up, what color were they when you drew it out of the vial and put it in to the syringe?

A. It was pinkish. The Inosine, I had seen another vial of the Inosine, straight Inosine which is redish. This mixture was pinkish, you had to shake it because the white particles would settle down to the bottom. So, you had to shake it, and it was, you know, pink, milky pink, I guess.

Q. When --

THE COMMISSIONER: The white particles at the bottom and --

THE WITNESS: The red Inosine --

THE COMMISSIONER: -- and then when you mixed it up it, it becomes pink.

THE WITNESS: Right.

MR. ARMSTRONG:

Q. And the white particles or white stuff at the bottom was indeed a milky white substance, was it not?

A. Right.

Q. All right. Then, when you first went to see Dr. Astaphan and he prescribed this Inosine-Estragol mixture for you, was there any discussion with him about the possible side effects of taking steroids?

A. No, there wasn't.

Q. Was there any discussion with him about what the mixture would do for you in terms of your --

A. Well --

Q. -- either your mononucleosis symptoms
5 or your track and field performance?

A. It would boost them obviously if it was a steroid. He told me he had been giving it to Ben and Angie.

Q. Yes?

A. And he said that they had been
10 responding quite well to it, they had been getting real strong. And I guess he kind of -- he really bragged about them, as far as what they were doing in training and stuff like that. And, you know, I made a lot of gains off
15 it, as far as like both weight and strength.

Q. You did?

A. Yes, I did.

Q. You were down 20 to 30 pounds, I
believe, from the mononucleosis episode?

A. Right.

Q. Did you put the weight back on?

A. I didn't put all of it back on; I put
on about 15 pounds.

Q. But did you, I take it from what you
25 have just said a moment ago, you got stronger --

A. Yes, I did.

Q. -- after you cycled the stuff?

A. That's correct.

Q. Again not wishing to go through this
5 injection by injection, but looking back to '85 when you
got the stuff from Dr. Astaphan, generally what was the
program? How much was in each injection, and how
frequently, approximately?

A. As far as I can remember, it was three
10 cc's a week through -- well, one cc three times a week.

Q. All right.

THE COMMISSIONER: He discussed clearance
time with you?

THE WITNESS: Yes, he did.

15 THE COMMISSIONER: Which clearance time,
how much did he say was the clearance time?

THE WITNESS: At the first time he told me
it was two weeks, and there was no discussion about
clearance time for that particular drug again with Dr.
20 Astaphan.

THE COMMISSIONER: He told you it was two
weeks and that was it?

THE WITNESS: The first time, yes.

THE COMMISSIONER: That was the Estragol?

25 THE WITNESS: Right. He told me I could

take the Inosine, though, straight up to the meet, the straight Inosine.

THE COMMISSIONER: All right.

5

MR. ARMSTRONG:

10

Q. Then, Mr. Dajia, you, according to the records that we have obtained from OHIP, attended at Dr. Astaphan's office on four occasions in July of '85, the 2nd, the 5th, the 10th, and the 29th. One occasion August 7th in '85. And if he wasn't giving you the injections, what other reason -- were you going just for your mononucleosis situation?

A. No.

15

Q. Did it have anything to do with the steroids?

A. Well, I don't remember being there that many times.

Q. I see.

20

A. He gave me the stuff and I injected myself. And I saw him one time before I went back to school.

Q. All right. And then did you see him, do you remember seeing him in 1986?

A. Yes, I do.

25

Q. And the times you saw him in 1986, was

that in any way related to the administration of steroids?

A. Yes.

Q. And can you remember approximately how many times you saw him in 1986?

5 MR. SOOKRAM: Sir.

THE COMMISSIONER: Yes, Mr. Sookram.

MR. SOOKRAM: I think we have gone over this line before with Mr. Porter, these OHIP records.

MR. ARMSTRONG: Well, I don't intend to --

10 THE COMMISSIONER: No, we are not pursuing that aspect of it --

MR. ARMSTRONG: -- get into that issue, I am conscious of that. I just want to know when he was there in regard to the steroids --

15 THE COMMISSIONER: The steroids.

MR. ARMSTRONG: -- if he was.

THE COMMISSIONER: Just in relation to steroids.

MR. ARMSTRONG: Yes.

20 THE COMMISSIONER: In '86, you said, yes, I think.

THE WITNESS: Yes, I believe in January once, once or twice, and when I first got back from school.

25

MR. ARMSTRONG:

Q. In the summer of '86?

A. Right.

Q. And what, did you go to get the mixture
5 or did he gave --

A. Yes, I did.

Q. -- or did he give you injections of it?

A. No, I went to get the mixture.

Q. Did he charge you a fee for the
10 mixture?

A. Yes, he did.

Q. Do you remember how much that was?

A. I believe it was \$85.00 for the
Estragol and the Inosine. And I don't remember what he
15 charged me for the straight Inosine.

Q. All right. I see, you got straight
Inosine from time to time as well?

A. Right.

THE COMMISSIONER: He said because he could
20 take that right up to the meet.

THE WITNESS: That's correct.

MR. ARMSTRONG: I see, I am sorry.

THE COMMISSIONER: With the mixture he
couldn't.

25

MR. ARMSTRONG:

Q. So, I am sorry, it was \$85.00 for the mixture of Inosine and Estragol?

A. Right.

5 Q. How much for straight Inosine; you don't remember that?

A. I don't remember that.

10 Q. All right. And then was there any, to your recollection, any monitoring done by Dr. Astaphan and by that again I believe did he recommend any blood tests or other kinds of tests to ascertain what effect if any the steroids were having on your system?

A. None whatsoever.

15 Q. I take it that when you went down to Texas in the fall of '85, you took some of the mixture and some of the Inosine with you, did you?

A. Yes, I did.

20 Q. And you would have, during the training period in the fall of -- used the mixture that you had and the Inosine that you had?

A. That's correct.

Q. Presumably when you came home at Christmas in early January you went to see him to get some more of the Inosine and the mixture?

25 A. That's right.

Q. All right. Then I asked you up to 1985 about side effects. I assume that so far as you are aware, no serious side effects in '86?

5 A. Nothing that would be detrimental as far as, I mean my strength went up, my weight went up, and I was more aggressive, which is a plus, I guess, if you look at it that way for training.

Q. With your strength going up and your weight going up in accordance with this steroid program, 10 did it improve your --

THE COMMISSIONER: Your performance.

MR. ARMSTRONG:

Q. -- your throwing distance?

15 A. Not much, no.

Q. No.

A. I did not have the coaching at Texas, the technical side of it. You know, I was getting strong, but, you know, what good is it --

20 THE COMMISSIONER: You weren't learning the expertise of it, is that the problem?

THE WITNESS: Yes, there was no coach there for me.

25 THE COMMISSIONER: For shot put? You were doing the shot put all the time?

THE WITNESS: Right. I was basically by myself.

MR. ARMSTRONG: Could I just have your indulgence.

5

MR. ARMSTRONG:

Q. Then, Mr. Dajia, in June of 1986, we noted earlier that you competed in the Canadian national championships in Ottawa and finished in second place in the shot put?

10

A. Is that '86?

Q. No, third?

A. Okay, third in '86.

Q. Third in '86, it was second in '88, right. It, of course, is well-known that you were selected for doping control?

15

A. That's right.

Q. Gave a urine sample, and you were notified some days later that there had been a positive result from your test?

20

A. That's correct.

Q. All right. And as well as you, there were two other Canadian throwers at the national who received notification of a positive test; is that right?

25

A. That's right.

Q. Who were they?

A. One was Mike Spiritoso and Rob Gray.

Q. And I assume you know each of them?

A. Yes, I do.

5

Q. All right. Then --

THE COMMISSIONER: What was the date of the meet, do you remember?

MR. ARMSTRONG: I have got it here. It is June 22, 1986, in Ottawa.

10

THE COMMISSIONER: When was the last time you took the Estragol in relation to June 22nd?

THE WITNESS: I would say four to six weeks, but I had been taking Dianabol up until two weeks before.

15 THE COMMISSIONER: I see, I am sorry. So, the last time you took a steroid was within two weeks?

THE WITNESS: Two weeks.

THE COMMISSIONER: I see. That was Dianabol then?

THE WITNESS: Yes.

20

THE COMMISSIONER: Where did you get the Dianabol in '86? I don't think you told us about that?

THE WITNESS: From the doctor.

THE COMMISSIONER: Another doctor?

25 THE WITNESS: Well, the same one in Fort Worth.

THE COMMISSIONER: I see. Okay. I see.
Well, you were down in Texas, you came up here for the
meet up here, is that what it was?

THE WITNESS: Right.

5

MR. ARMSTRONG:

Q. Then, Mr. Dajia, when you were notified
of the positive test on the A sample, were you advised of
what drug you had tested positive for?

10

A. Yes, they told me it was
19-nortestosterone.

15

Q. I am told that 19-nortestosterone is
either a derivative of, or a compound of, or whatever the
proper pharmacological terminology is, and I apologize for
not knowing it, but that it is also something called
Deca-Durabolin?

A. Yes, either that or --

THE COMMISSIONER: You said it was -- it's
not a compound of what?

20

MR. ARMSTRONG: Well, 19-nortestosterone, I
am sorry, I don't know what the proper chemical
description of it is, but it is also --

THE WITNESS: It's a metabolite of
Deca-Durabolin or nandrolone deconate.

25

THE COMMISSIONER: That's a steroid, I

gather?

THE WITNESS: Right.

MR. ARMSTRONG:

5 Q. Now, to your knowledge, had you ever
taken Deca-Durabolin?

A. No, I haven't.

THE COMMISSIONER: But you had been on the
steroid program before this meet?

10 THE WITNESS: That's true.

MR. ARMSTRONG:

Q. And to your knowledge, had you ever
taken 19-nortestosterone?

15 A. No, I haven't.

Q. Now, we have heard that the way the
system of doping control operates, both in Canada and
internationally, is that after you are notified of a
positive finding on the A test, you have an opportunity to
20 be in attendance at or represented at the B test?

A. That's right.

Q. Now, was there some arrangement made to
have a representative attend for the B test?

A. Yes. That was Bishop Dolegiewicz.

25 Q. He was your representative?

A. Yes, he was, in Montreal.

Q. The B test was done in Montreal?

A. That's right.

Q. At the -- Dr. Dugal's lab in Montreal?

5

A. That's right.

Q. I take it that what happened was Bishop Dolegiewicz simply went there for the opening of the B sample?

A. That's right.

10

Q. He didn't stay while the complex procedure of the gas chromatograph was run and so on?

A. I don't know.

Q. All right. In any event, was it confirmed after the B test that you were positive for 19-nortestosterone?

15

A. Or so they said, yes.

Q. Yes. And, similarly, the other two that we have mentioned, Gray and Spiritoso, is it your information that they also tested positive for 19-nortestosterone?

20

A. Yes, they did.

Q. And did they similarly have representation at the opening of the B sample?

A. They had someone represent them; I cannot remember his name right now.

25

Q. Okay. That doesn't matter. In any event, I take it that the B test also confirmed that they had a positive finding for 19-nortestosterone?

A. That's correct.

5 Q. All right. Now --

THE COMMISSIONER: The drug that you were taking just before the meet was obtained from Forth Worth?

THE WITNESS: Yes, it was.

10 THE COMMISSIONER: From the doctor in Forth Worth?

THE WITNESS: Right.

THE COMMISSIONER: He told you it was what, Dianabol?

15 THE WITNESS: It was methandrostenolone and Dianabol, yes.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

20 Q. I see. In any event, I take it that although you certainly have been frank and freely admitted that you were involved in a steroid program, it came as a complete surprise to you that you appeared to test positive for something that you didn't believe you had taken?

25 A. It was a shock.

Q. All right.

THE COMMISSIONER: You thought they got the wrong drug, then? If they detected Dianabol, then you wouldn't have been shocked?

5 THE WITNESS: That's right.

THE COMMISSIONER: You didn't tell them, of course, that you were on Dianabol?

THE WITNESS: No.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

Q. Then did you or somebody on your behalf take some steps or make some request that you be provided with the actual test results showing that you had tested positive for 19-nortestosterone?

15

A. That's correct.

Q. Just tell me about that again without -- we don't need to go into the complete details of it, but what information was it that was being requested on your behalf, and what did you get?

20

A. We wanted to get the full printout or whatever it was, whatever proof that Dr. Dugal had --

THE COMMISSIONER: You wanted to get the printout from the lab itself --

25

THE WITNESS: That's right.

THE COMMISSIONER: -- to see how how they arrived at these --

THE WITNESS: That's right. And we wanted, you know, we had other doctors to, you know, correspond with as far as disputing it. And we never got anything.

MR. ARMSTRONG:

Q. All right. And what you wanted to do was --

THE COMMISSIONER: You wanted to have a specialist to look at their work and see if their work could be challenged; is that correct?

THE WITNESS: That's correct.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. And I take it from what you have just said, you never did get that printout?

A. No, we didn't. You know, Dr. Dugal claimed that, you know, he was the expert in the field and he is not going to subject his work to scrutiny of others.

Q. All right. Then --

THE COMMISSIONER: Not many people have that privilege.

MR. ARMSTRONG:

Q. All right. Now, we know that from other information that we have and we will be dealing with it in another part of the Inquiry, but there was a legal
5 challenge taken, not in your name, but by Mr. Gray; is that right --

A. Yes, it was.

Q. -- to the courts. And that was unsuccessful. And we will deal with that through
10 appropriate witnesses at the appropriate time.

So far as you are concerned, Mr. Dajia, you took some kind of appeal route through the CTFA and through the the OTFA?

A. That's correct.

Q. And there is apparently a provision in
15 the CTFA-OTFA structure that an investigation committee can take a look at your case; is that --

A. That's correct.

Q. And you took the opportunity to do that
20 together with Mr. Gray and Mr. Spiritoso?

A. That's correct.

MR. ARMSTRONG: All right. And if I could just pause here for a moment, Mr. Commissioner. I have a report of that investigative committee and for the
25 purposes of the chronology and for your assistance and the

assistance of my friends, I propose to file that.

I think probably in fairness to the author of a report of the investigative committee, Mr. Savage, that if some particularly detailed information is required
5 in respect of this report, that we should probably consider getting it from Mr. Savage, but I think that in in terms of the chronology and to have this witness' evidence in context, we will file it.

THE COMMISSIONER: Has Mr. Bourque seen it?

10 MR. ARMSTRONG: Oh, yes, Mr. Bourque has seen it.

MR. BOURQUE: Yes, I have, Mr. Commissioner. I have no objection at this time for it going in for that limited purpose.

15 THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Having said that, I may have one or two questions about it, but if I stray too far afield --

20 THE COMMISSIONER: It is in for a very limited purpose.

MR. ARMSTRONG: If I stray too far afield, everybody around --

THE COMMISSIONER: Mr. Bourque will be on you.

25 MR. ARMSTRONG: -- will keep me in line.

THE COMMISSIONER: I guess the appeal was dismissed, I gather, is that --

MR. ARMSTRONG: All right. Could I just have your indulgence.

5 THE REGISTRAR: Is this to be 141?

THE COMMISSIONER: 141.

--- EXHIBIT NO. 141: Drug Use Report, dated December 22,
1988

10 MR. ARMSTRONG: I might, again, this report prepared by Mr. Savage to some extent raises the issue that I was just exploring with the witness and I think it would be at least helpful to bring --

15 THE COMMISSIONER: Yes.

MR. ARMSTRONG: -- to your attention and the attention of my friends the comments of Mr. Savage at page 4.

20 THE COMMISSIONER: I was just looking at that.

MR. ARMSTRONG: And could we just read that, Mr. Commissioner, together --

THE COMMISSIONER: Well, you will read it and I will follow it. Let's not read it together, though.

25 MR. ARMSTRONG: All right.

"It became evident early into this matter that there are great difficulties in balancing the interests of the CTFA and SMCC in stopping the use of banned substances by athletes while at the same time preserving the rights of individuals to a fair hearing of allegations made against them, especially when the result of those allegations is banning the athlete for life from participation in the sport.

In the matter at hand Dr. Dugal testified that he was 1 of only 18 people in the world capable of doing the tests and interpreting the results. Given this situation how are the athletes, who deny use, going to be able to prove that the tests were inaccurate or misinterpreted. Of course this is the only way to clear their names and records.

In addition the lab, which is under contract to the SMCC, and not the CTFA, was not forthcoming with information when requested by both the accused and the investigating committee. It is all well and good for the lab to state that they are the only ones capable of interpreting the results but we,

as a committee, believe that if the accused are truly intended to be able to question the findings they must be given all information to be used against them immediately upon request. This did not happen in the matter at hand and no explanation was given for this failure."

And then Mr. Savage goes on to suggest a new procedure that obviously he considers to be a fairer approach to addressing this problem. I don't intend to read that now. Others may wish to deal with that, but it is something I think that --

THE COMMISSIONER: Well, it is certainly a very careful report of Mr. Savage actually, very interesting.

MR. ARMSTRONG: Yes. Well, I don't know, would you like me to continue to read that in --

THE COMMISSIONER: No, no, I will read it.

MR. ARMSTRONG: -- to the record.

THE COMMISSIONER: I will read it, thanks.

MR. ARMSTRONG: It is obviously an issue that I think --

THE COMMISSIONER: You ought to look at.

MR. ARMSTRONG: -- in another part of the hearing we may wish to address and may wish to have the

benefit of Mr. Savage's views.

THE COMMISSIONER: Just leave it now, and we will get back to it.

MR. ARMSTRONG: Right.

5

MR. ARMSTRONG:

Q. In any event, returning now to you, Mr. Dajia, the result of the legal challenge that Mr. Gray took was that he unsuccessful in whatever legal challenge he took. You did not, in the final result, succeed in this appeal through the committee of investigation.

I take it that the penalty for the positive finding of 19-nortestosterone in your urine was some kind of a suspension; is that correct?

15 A. That's correct.

THE COMMISSIONER: You said it was 18 months, was it?

THE WITNESS: That's the understanding I had at first.

20 THE COMMISSIONER: Well, was there --

THE WITNESS: That's what the rule in place was --

THE COMMISSIONER: At that time?

' THE WITNESS: -- at that time.

25 THE COMMISSIONER: You weren't given a

formal notice, you were just told this, I guess, or just understood it?

THE WITNESS: We were told that we would be able to be reinstated after 18 months.

5 THE COMMISSIONER: I see, thank you.

MR. ARMSTRONG:

Q. All right. And did you become aware shortly after the result of the A test was made known that
10 Sport Canada took the position that you were, in fact, banned for life. Whatever the rule of the IAAF or the CTFA may be, that Sport Canada took the position that you were banned for life?

A. As far as I know, yes.

15 Q. How did you become aware of that?

THE COMMISSIONER: There is a reference to it here.

THE WITNESS: Well, through the media.

20 THE COMMISSIONER: There is a reference here.

MR. ARMSTRONG: Yes, I know, but -- he got this information much earlier than this. This is December 1986.

THE COMMISSIONER: I see, thank you.

25 THE WITNESS: I learned it through the

media.

MR. ARMSTRONG:

5 Q. Now, you tested positive at a meet on
June the 22nd of 1986. Presumably it was a few days after
that that you were notified. Early July, I presume, was
it?

A. Yes.

10 Q. Or late June. Was it early July that
you heard a media report that the Minister responsible for
Sport Canada said that you and your other two colleagues
were banned from competition for life?

A. That's correct.

15 Q. All right. Now, the suspension through
the CTFA and the IAAF of 18 months, that would have taken
you to the end of the calendar year 1987?

A. That's correct.

20 Q. And when that period had expired, did
you take some steps to attempt to be reinstated so that
you could continue or so that you could compete?

A. Yes, I did.

Q. You say "we", but I am asking
specificly about you?

25 A. I appointed a friend to take care of
that because I was not sure with all the rules of the CTFA

or as far as, you know, getting reinstated.

Q. Was that Rob Gray --

A. Yes, it was.

Q. -- that was assisting you in that?

5

A. Yes.

Q. And at that time, he was either a young lawyer or about to become a young lawyer?

A. I believe he was.

10

Q. All right. Now, just before I go into what steps were taken, what happened to you? You are what, how old now 25?

A. Twenty-five

15

Q. Now, as a thrower, where does typically your career go from here? Is the best part of your career still ahead of you?

A. Yes.

THE COMMISSIONER: When does a thrower reach his peak in age?

THE WITNESS: Actually late twenties.

20

THE COMMISSIONER: Late twenties?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

25

Q. So, then --

THE COMMISSIONER: Are you still working at the shot-putting in Texas?

THE WITNESS: I am still working out, I am still waiting for a decision to find out --

5 THE COMMISSIONER: I guess we are going to come to that.

MR. ARMSTRONG: Okay.

THE COMMISSIONER: What was the date of the meet?

10 MR. ARMSTRONG: June 1986.

THE COMMISSIONER: All right.

MR. ARMSTRONG: June 22nd, 1986.

MR. ARMSTRONG:

15 Q. So, you are 25 today, so two years ago and you were trying to sort yourself out, you were 23, and you are still looking at what you hoped would be the best part of your athletic career?

A. That's correct.

20 Q. And so obviously it doesn't take a rocket scientist to conclude that you were very keen on getting this suspension behind you and getting your athletic career back on the move?

A. That's correct.

25 Q. All right.

THE COMMISSIONER: But I think you told us this would not affect your right to participate in intercollegiate athletics in Texas?

5 THE WITNESS: No, it didn't, but as far as, you know, throwing, you know, that's not the be all and end all. You know, you want to go over to Europe and compete.

THE COMMISSIONER: I see.

MR. ARMSTRONG: May I just have a moment.

10 MR. ZAREK: There might be one other point to be relevant here --

THE COMMISSIONER: Right, Mr. Zarek.

MR. ZAREK: -- and that might be the intercollegiate time period that he could compete would
15 end after a certain period of time.

THE WITNESS: That's right.

MR. ZAREK: Perhaps, Mr. Dajia, you could mention that.

THE COMMISSIONER: When would that be?

20 THE WITNESS: It's all over with in June.
THE COMMISSIONER: June. All right. Thank you, Mr. Zarek.

MR. ARMSTRONG: All right.

THE COMMISSIONER: The big meets in Europe
25 are in the summer, aren't they?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. Then just following up from the
5 questions asked by the Commissioner, there was one other
organization that took an interest in your suspension and
your position in regard to them, and that was the Canadian
Olympic Association; is that correct?

A. That's correct.

10 Q. You received a letter from the Canadian
Olympic Association on June 29, 1987, setting out their
position?

A. That's right.

MR. ARMSTRONG: I just wish to file this --

15 THE COMMISSIONER: You did very well, you
participated in the nationals in August, here, in '88?

THE WITNESS: In '88, I did, yes.

MR. ARMSTRONG: It's quite a complicated
story, we are going to --

20 THE COMMISSIONER: Do you think it is too
complicated for me?

MR. ARMSTRONG: We are going to come to it.
Yes, it is.

25 THE COMMISSIONER: We shall see. When is
the -- excuse me, what is the report of -- Mr. Savage's

report number, please.

THE REGISTRAR: The first report was 141,
this will be 142.

THE COMMISSIONER: Thank you.

5

--- EXHIBIT NO. 142: Letter dated June 29, 1987 to Mr.
P. Dajia

MR. ARMSTRONG: I apologize for being
10 slightly rude, but I guess it's in my character --

THE COMMISSIONER: I didn't think it was
slightly rude.

MR. ARMSTRONG: When we get to the
nationals in 1988, you are going to see as we go through
15 the chronology of what happens is he in effect gets --

THE COMMISSIONER: I want to hear it later,
okay.

MR. ARMSTRONG: I see you don't understand
it already, so.

20 THE COMMISSIONER: Let's go.

MR. ARMSTRONG: I will do it the way I was
going to do it.

THE COMMISSIONER: Let's do it
chronologically.

25

MR. ARMSTRONG:

Q. Okay. Mr. Dajia, just looking at this letter addressed to you from the Executive Director of the Canadian Olympic Association, it reads:

5 "Doping Infraction concerning Peter Dajia as reported by the Sport Medicine Council Of Canada.

Dear Mr. Dajia:

The purpose of this letter is to

10 advise you of the decision taken in the above subject matter by the COA Executive Committee at its meeting of June 28.

I am instructed to inform you that, effective immediately and until December 31, 15 1988, you will not be eligible, in any capacity whatsoever, to participate as a member of any Canadian sport team falling under COA jurisdiction. The effect of this decision is to preclude you from membership 20 in such teams competing in the 1987 Pan-American Games in Indianapolis and in the Olympic Games of 1988."

THE COMMISSIONER: Okay. Thank you.

MR. ARMSTRONG:

Q. Okay. Then they go on to make it clear that:

"This does not apply to other competitions over which the COA has no jurisdiction, and where the question of your eligibility is determined by the association or associations directly responsible for your sport."

THE COMMISSIONER: I am just puzzled, the date of the meet at which Mr. Dajia was disqualified at was what? The date of the meet itself?

MR. ARMSTRONG: June 22, 1986.

THE COMMISSIONER: All right.

MR. ARMSTRONG: So --

THE COMMISSIONER: So, it's like two-and-a-half years.

MR. ARMSTRONG: Well, that's right, just summing up, what happens is as a result of the positive finding of 19-nortestosterone, he is suspended by the IAAF.

THE COMMISSIONER: Yes.

MR. ARMSTRONG: Confirmed by the CTFA for an 18-month period. He is also told by Sport Canada that he is banned from competing for life.

THE COMMISSIONER: For life.

MR. ARMSTRONG: And then he subsequently
told, by this letter of June 29th, 1987, that so far as
those meets over which the Canadian Olympic Association
has jurisdiction, he is banned for two and a half years.

5

THE COMMISSIONER: Thank you.

THE WITNESS: Sport Canada did not ban me
for life from competing. They banned me for receiving
federal aid, which I never received in the first place, so
that didn't really matter.

10

MR. ARMSTRONG:

Q. All right.

THE COMMISSIONER: You were never a carded
athlete?

15

THE WITNESS: No, I wasn't.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. All right. Then Mr. Dajia, when--

20

THE COMMISSIONER: So the so-called life
banishment from the Sports Canada would be for funding.
Was that your understanding?

THE WITNESS: That was my understanding.

25

MR. ARMSTRONG:

Q. All right. Then I assume from what you have said, that it would have been shortly after the 18-month suspension had expired from the CTFA that Mr. Gray began taking steps to have you, Mr. Spiratoso and himself reinstated, at least with the CTFA?

A. That's right.

Q. All right. And at some point in time, did you become dissatisfied with the length of time that the process was taking with the CTFA?

A. Yes, I did.

Q. And although you had sought the help of Mr. Gray, did you take matters into your own hands and make a telephone call to the Canadian Track and Field Association in the early summer of 1988?

A. Yes, I did.

Q. And tell us about that.

A. I spoke to Steve Findlay and I expressed concern as to why I had not been reinstated yet, and it was going on two years. My 18 months was up, and I was just really upset as far as how long it was taking the CTFA to act on my behalf, and I also threatened them.

Q. All right. And when you say threatened them, what did you say to them?

A. I threatened to turn in the world's

fastest human being.

THE COMMISSIONER: I didn't hear that.

MR. ARMSTRONG: He said he threatened to
5 turn in the world's fastest human being.

Q. By that I assume you mean Ben Johnson?

A. Yes, I did.

Q. When you say you threatened to turn in
10 the world's fastest human being, what did you mean by
that?

A. I was going to go to the press because
I had been talking to a reporter previous to that and he
knew what was up as far as Dr. Astaphan. He just needed
somebody to come forward and attach his name to it, and I
15 had nothing to lose since I wasn't going to be reinstated,
and I just wanted to hurry up matters because I wanted--I
originally planned to go to Europe to compete there.

THE COMMISSIONER: What did you tell Mr.
Findlay? I'm not quite clear.

20 THE WITNESS: I told him that I would be
speaking with a reporter.

THE COMMISSIONER: And tell him what?

THE WITNESS: I told him that I had some
information about Ben and Angella and Dr. Astaphan also
25 and I would be speaking to a reporter.

THE COMMISSIONER: I see. All right.

MR. ARMSTRONG:

5 Q. I take it you said you would be speaking to a reporter unless you got the results that you were looking for?

A. Right. I wanted to get that test out of the way because we had to be tested first.

10 Q. All right. Now did Mr. Findlay make any response to that threat?

A. Yes, he was trying to calm me down saying don't take any harsh--don't make any harsh decisions that's going to affect your life, and I said I know, but so is this. You know, he was kind of upset, 15 trying to calm me down.

Q. When you said the things you said, I take it the word steroids was never used by you, was it?

A. It was never used, but he knew what I was talking about.

20 Q. And did he ask you what you were talking about?

A. No, he didn't.

Q. And after he told you to calm down and that this whole thing was going to affect your life and so 25 on, how did the conversation end?

A. I hung up.

Q. All right. And then did you after that telephone call receive some notification from the Canadian Track and Field Association concerning your status?

5 A. Yes, I did. It was late in the week, and we needed to get a drug test done. That was one of the stipulations of being reinstated, and we had to pay \$500 for this drug test.

10 THE COMMISSIONER: Where was that done, Mr. Dajia?

THE WITNESS: Dr. Piccinni's office in Toronto.

15 THE COMMISSIONER: I've lost track of this. When did you start taking those tests again? I didn't quite understand that.

MR. ARMSTRONG: You've kind of jumped ahead. Why don't we just go at it a step at a time. I think I can clarify it.

20 THE COMMISSIONER: All right.

MR. ARMSTRONG:

25 Q. After the telephone call from Mr. Findlay, did you receive some official notification from the Canadian Track and Field Association setting out what the requirements were to get you reinstated?

5 A. I can't remember if there was an official notice, but Rob had told me that we needed to get a negative drug test and that we were responsible for paying \$500 for that drug test before they could approach the IAAF to reinstate us.

 Q. All right. Well, I'm showing to you a copy of a letter dated July the 5th, 1988, from Casey Wade, Competitions Manager. Did you receive a letter such as that?

10 A. I received that when I went to take the doping control test.

 Q. I see. All right. Let's just read the letter together because I think it clarifies matters, Mr. Commissioner.

15 THE COMMISSIONER: How long was this after the conversation with Mr. Findlay, do you recall?

 THE WITNESS: Three, four days.

 THE COMMISSIONER: Well, I think the telephone conversation you had was your hanging up, I think you told us; is that right?

20 THE WITNESS: Yes.

 THE COMMISSIONER: And I take it you did nothing else in the meantime?

 THE WITNESS: No.

25 THE COMMISSIONER: And then you got this

letter? Is that the chronology?

THE WITNESS: I also told him that I would be going to Texas on Wednesday. It was late in the week when the telephone conversation happened. I told him I would be leaving for Texas on Wednesday, and if this thing hadn't been taken care of by then, then I would see that reporter.

THE COMMISSIONER: All right. Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. And in any event, either at that time or after that telephone call, I guess you knew that from Rob Gray, that in order to get yourself reinstated, there was going to be a requirement that you take a drug test that would produce a negative finding?

A. That's correct.

Q. And what this letter seems to do is confirm that. Can we just read that together.

"Dear Peter, the CTFA Board of Directors approved forwarding your appeal for reinstatement to the IAAF, conditional upon a negative test within 90 days and conditional upon agreement by you to participate in the Out-of-Competition Testing Program for a period of two years. As such, please find attached a contract for you

to sign agreeing to these above conditions. The CTFA has arranged the test to be conducted by Dr. Paul Piccinni at his office at 10:00 a.m. on July 6, 1988. Please be advised that you are requested to bring valid
5 identification, et cetera. The cost for the test will also be borne by you which amounts to \$500 Canadian."

And then you're asked to bring a certified cheque, and I take it you arrived at Piccinni's office with your certified cheque for \$500?

10 A. Yes, I did.

Q. And you were given this letter at the same time which confirmed what you were there for and what it was about?

A. That's right.

15 THE COMMISSIONER: Who told you to go there, Mr. Gray or did you get a telephone call?

THE WITNESS: I got a telephone call.

THE COMMISSIONER: Because this letter is actually addressed to -- it's care of Dr. Piccinni.

20 THE WITNESS: Right. I received the letter at his office, but I got a telephone call on Monday from Steve Findlay telling me that Casey Wade would be contacting me later with the details and then he called me and told me it was on Wednesday.

25

MR. ARMSTRONG:

Q. Now, Mr. Dajia, were you--

THE COMMISSIONER: There is a contract here attached to it.

5 MR. ARMSTRONG: Yes. I think it simply speaks for itself.

THE COMMISSIONER: It speaks for itself.

10 MR. ARMSTRONG: And puts in the legalese of what the letter says.

Q. Then, Mr. Dajia, I take it from what you have said that you wanted to get back into competition as soon as you could. Now I take it that would have included competing at the nationals in Ottawa which were
15 scheduled for, I believe, August 5 through 7 of 1988?

A. That's correct.

Q. All right. Now leading up to the weekend before the nationals, did you have some concern that maybe you were not going to be reinstated in time for
20 the nationals?

A. Yes, I did.

Q. And again, although I take it Mr. Gray was your representative, did you have occasion again to make a phone call to the CTFA office to see if you could
25 speed up the process of your reinstatement?

A. Yes, I did, on several occasions.

Q. Okay. And then tell us about that, please.

A. Well, Steve Findlay told me that it's
5 out of their hands now. They faxed the IAAF, and they are
supposed to take care of it from here, and in the
meantime, I was training and I still did not know whether
I would be at the Olympic trials. I was getting real
worried because it was cutting it a bit close, so in
10 another telephone conversation, I called them up and
voiced my displeasure again and told them, you know, you
guys don't realize what I have on you. Well, not you in
particular, but on track and field. And also I guess the
same sort of thing. I threatened them again.

15 Q. Yes, and what did he say?

A. The same thing more or less. You know,
calm down, you don't need to do this, think of your sport
and stuff like that.

Q. And apart from Steve Findlay at this
20 time, did you have any telephone calls with anybody else
from the Canadian Track and Field Association?

A. I called Jean-Guy Ouellette.

Q. Yes, why did you call him?

A. Steve Findlay thought he would know
25 more about the situation than himself.

Q. Yes?

A. And I called Jean-Guy Ouellette and he basically told me that it's the IAAF now. It's up to them.

5 Q. All right. And--

THE COMMISSIONER: Well, did you repeat the threat to Mr. Ouellette?

THE WITNESS: Not to Mr. Ouellette, that I can remember.

10 THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. So I take it from your point of view, Mr. Ouellette said look, this is out of our hands now. It's in the hands of the IAAF. Calm down, there's nothing we can do about it?

15

A. Yes.

Q. Did you then again, either right after that telephone call or a short time thereafter, pick up a phone call to Mr. Findlay?

20

A. Yes, I did.

Q. Tell us about that, please.

A. He told me they would be meeting-- well, actually, the IAAF were in town -- well, not in town Toronto, but they were in Sudbury for the World Juniors,

25

and I guess one of the CTFA members or somebody approached the IAAF and got it taken care of I believe the Monday before. I competed on the Friday or Thursday.

Q. All right. And just before we go to
5 how it was taken care of, when you had the telephone call with Mr. Findlay that you just referred to a moment ago when you said you made the threat again, basically the same thing, did that involve saying look, I'm going to go to the press about the world's fastest man and Angella
10 Issajenko and Dr. Astaphan?

A. That's right.

Q. And again, were you anymore precise than that? Did you say what it was that you were going to go to the press with in regard to them?

15 A. I didn't have to be.

Q. Why do you say that?

A. He knew what I was talking about.

Q. All right. Then you received a letter dated August 2nd, 1988, from the President and Chief
20 Executive Officer of the Canadian Track and Field Association, Mr. Paul Dupre?

A. That's correct.

Q. And there is a copy of it. You have the original signed copies of these, I believe, do you
25 not?

A. Yes, I do.

Q. I, for some reason, have unsigned copies.

5 THE REGISTRAR: The previous one will be 143, Mr. Commissioner. This will be 144.

MR. ARMSTRONG: I just have the letter of August 2nd. We will get that for you.

THE COMMISSIONER: Thank you.

10 ---EXHIBIT NO. 143: Letter dated July 5, 1988, from Casey Wades.

---EXHIBIT NO. 144: Letter dated August 2, 1988, from Paul Dupre.

15

MR. ARMSTRONG:

Q. All right, then, Mr. Dajia, let's just read this together. "Dear Mr. Dajia, this letter is to advise you that we have formally received confirmation of your reinstatement by the International Amateur Athletic Association for you to return to competition in track and field. Further to this reinstatement, I would also like to confirm receipt of a negative test result from your urine sample provided on July 6th, 1988. As such, you are officially eligible to compete domestically and, more

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25

specifically, in the 1988 Canadian Senior Championship, August 5 to 7 in Ottawa. Please ensure that conditions are met with the Ontario Track and Field Association with respect to provincial membership. Further to your
5 reinstatement, current Sport Canada policy on athlete suspension, as you are well aware, differs greatly to that of the IAAF. Sport Canada policy clearly bans an athlete for life on a first offense, which differs from the current two-year suspension by the IAAF. This difference
10 in policy does affect your eligibility to compete internationally for Canada, as the Canadian Track and Field Association does not wish to jeopardize its relationship with Sport Canada, particularly as it relates to eligibility to financial and program support. As the
15 only relief from life suspensions is through direct appeal to the Minister of State Fitness and Amateur Sport, a letter has been forwarded to Sport Canada requesting clarification and addressing this matter. We would like to state at this point, however, that such a formal appeal
20 is your responsibility. The Canadian Track and Field Association will assist you in this regard, but clearly the onus for appeal rests with you. Best of luck in the upcoming championship."

So this letter is dated August the 2nd.

25 Where we're at at this point in time is at least you're

cleared to be eligible to compete domestically and specifically in the national championships in Ottawa between August 5 and 7?

A. That's right.

5 Q. And of course you did compete in Ottawa at the national championships and finished second in the shotput?

A. That's right.

10 Q. All right. Now the fact that you had finished second in the shotput at the national championships last August, did that make you ordinarily eligible for national team competition?

A. I was selected to the team.

Q. You were selected to the national team?

15 A. By the coaches, but it was turned down by the head of the CTFA, the head of the board.

Q. What were you selected to do on the national team, because we know you couldn't have gone to the Olympics?

20 A. To go to Italy.

Q. All right. And we've heard in these hearings about the sprinters going to a couple of meets in Italy, one in Sestriere and one and another in Cesanitico. Did that involve the throwers as well?

25 A. It was the whole national team, as far

as I know.

Q. So although you weren't going to be eligible to compete for Canada in the Olympics, the throwing coaches selected you to be part of the national team to go on this European tour?

A. Yes, they did.

Q. All right. Now I guess you realized though that although they had selected you, it would appear from this letter that you would be ineligible, and from what you've just said, the officials of the CTFA must have said no?

A. That's true.

Q. All right.

THE COMMISSIONER: Because you were not eligible for international competitions?

THE WITNESS: Well, this was the first time I was informed of this was through this letter that I picked up at the nationals.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. Now, when you were in Ottawa at the competition and after you had succeeded in coming second, were you involved in any discussion about the clarification of your position, particularly so far as it

related to the national team and its trip to Italy?

A. Yes, I was.

Q. Tell us about that, please. First of all, where did the discussion occur?

5 A. At the track, right behind where the press was at a picnic table.

THE COMMISSIONER: I'm sorry, this is still the nationals?

10 MR. ARMSTRONG: This is the national championships.

THE WITNESS: This is the day after I competed.

THE COMMISSIONER: All right.

15 MR. ARMSTRONG:

Q. And who was present?

A. Rob Gray, Bruce Savage, Steve--no, not Steve Findlay. I don't remember Steve Findlay there, but Jean-Guy Ouellette and Paul Dupre.

20 Q. Were you there?

A. Yes, I was.

Q. And tell us about that discussion.

A. Rob was trying to gather all these people as far as to have a meeting concerning this letter
25 because the first time--

THE COMMISSIONER: Did he get a similar letter, by the way?

THE WITNESS: Pardon me?

THE COMMISSIONER: Did Mr. Gray get a similar letter?

THE WITNESS: Yes, he did. He received it at the nationals also, as far as I know.

THE COMMISSIONER: Pardon me?

THE WITNESS: He received it at the nationals also.

MR. ARMSTRONG:

Q. Did he compete in the nationals?

A. Yes, he did.

Q. What about Spiratoso?

A. No, he didn't.

Q. Was he reinstated the same way for the nationals?

A. He said, "I'm not paying \$500," so he just hung up his shoes, I guess.

THE COMMISSIONER: You're talking about a conversation at the nationals?

MR. ARMSTRONG: Yes, okay, sorry.

Q. So we are at a picnic table behind the

media tent. Rob Gray, Bruce Savage, Paul Dupre and Jean-Guy Ouellette and you?

A. Right.

Q. Tell us about that conversation.

5 A. All that I can remember was Paul Dupre more or less saying what happened in this letter. He was just telling me how their hands are tied with Sport Canada and they are going to cut -- Sport Canada is going to cut their funding if they put me on the team, and I was really
10 upset. I also threatened them. I mean, I was sort of very, very upset and I don't remember anything else as far as that.

Q. All right. And when you say you also threatened them, what did you say?

15 A. Something to the effect that, you know, you guys do not realize what I know about track and field, and I could cause a real black cloud around track and field if I go to the press or whoever. I mentioned that I knew about Dr. Astaphan and a few of the people under his
20 care.

Q. And did you mention anybody in particular under his care?

A. Not in particular.

Q. All right. And did any of these people
25 who were there representing the Canadian Track and Field

Association say to you well, what is it you're talking about?

A. No.

5 Q. And did you have any sense of whether they understood what you were talking about?

A. I'm sure they did. It's not the first time that that's happened.

Q. Did you ever use the word steroids or drugs?

10 A. No, I didn't.

Q. All right. Could I just have a moment. This might be a good point to break for lunch.

---Lunch adjournment.

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---Commission resumed.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.
5 Commissioner.

Q. Mr. Dajia, picking up then where we
were just before the noon break, you were in Ottawa at the
nationals. You had the conversation that you had with Mr.
Dupre, Mr. Ouellette and Mr. Savage as well as Mr. Gray,
10 and was there any resolution at that time to the problem
that you were presenting, that is to become qualified to
join the national team at the meets in Italy?

A. Well, Paul Dupre mentioned that his
hands are tied, the CTFA's hands are tied because Sport
15 Canada was pulling the strings and that if they put me on
the team, their funding would be cut.

Q. So obviously you weren't put on the
team and you didn't go to Italy or the balance of the
European tour?

A. That's right.

Q. All right. Then you had paid \$500 to
have your doping test done in early July, and did you, in
fact, stop payment on that cheque?

A. Yes, I did.

Q. I guess although they asked you for a
25

certified cheque, it must not have been certified because usually you can't stop payment on a certified cheque, but let me just show you that. That's a letter dated August 24th, 1988, from the Canadian Track and Field Association together with a photocopy of a cheque for \$500 dated July 7th in which there is a stop payment stamp. Is that, first of all, a cheque upon which you stopped payment?

A. Yes, it is.

Q. And then the letter that relates to that cheque, which I will just read in a moment --

A. I didn't receive this until I came home from school.

Q. All right, Mr. Dajia, the letter reads, "Dear Peter, we received your cheque"--

THE COMMISSIONER: What number is that, Mr. Registrar?

THE REGISTRAR: 145.

---EXHIBIT NO. 145: Letter dated August 24, 1988, from the Canadian track and Field Association along with a photocopy of a cheque for \$500.00 dated July 7, 1988.

MR. ARMSTRONG: "We received your cheque

dated July 7, 1988, for \$500 regarding doping control. However, after depositing your cheque, the bank returned it to us stating that you had required the payment stopped. Could you please write us another cheque for the same amount and let us know the reasoning behind the stop payment. We look forward to hearing from you soon."

And what was the reason for stopping payment on the cheque?

A. I was under the impression from the CTFA that once I'm reinstated, I'm reinstate to compete for Canada and represent my country. I found out through the letter that I received at the nationals, which you have looked at earlier, that they were not going to give me that opportunity.

Q. All right.

A. So I felt that it was wrong for them to take \$500 out of me for one meet.

THE COMMISSIONER: That was for the test though.

THE WITNESS: But then I would only be allowed to compete--

THE COMMISSIONER: The cost of the test would be borne by you.

THE WITNESS: That's right.

THE COMMISSIONER: And you got the test?

THE WITNESS: Yes, I did.

THE COMMISSIONER: And you got the negative finding?

THE WITNESS: Yes, I did.

5

MR. ARMSTRONG:

Q. But in fairness, I guess your position must have been that the only good the negative finding did was it permitted you to compete, and if you weren't going to be able to compete except in one meet, you didn't like the idea of paying \$500?

10

A. That's right, because I was under the impression that once you're reinstated, there are no two classes of athletes. You're either reinstated or you're not, and I got selected for the team with the coaches, and then they turned around and denied it because Sport Canada would cut their funding.

15

Q. All right. Now in the letter that the Canadian Track and Field Association had written to you on August the 2nd telling you that you could compete in the nationals but also explaining to you that you were not eligible to compete internationally because of the difference in policy between the Canadian Track and Field Association and Sport Canada, they said in their letter, "As the only relief from my suspensions is through direct

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appeal to the Minister of State Fitness and Amateur Sport,
a letter has been forwarded to Sport Canada requesting
clarification. We would like to state at this point,
however, that such a formal appeal is your
responsibility."

Now, did you make an appeal to Sport Canada
to have you reinstated so far as Sport Canada was
concerned in order to permit you to compete
internationally?

A. Yes, I did.

Q. All right. And then I'm going to show
to you a copy of a letter dated September 9, 1988, from
the Minister of State Fitness and Amateur Sport, and is
that the response that you got from Sport Canada?

A. Yes, it is. They turned my appeal
down.

Q. Can we have that then marked as Exhibit
146.

THE REGISTRAR: Exhibit 146.

---EXHIBIT NO. 146: Letter Dated September 9, 1988, from
the Minister of State Fitness and
Amateur Sport.

MR. ARMSTRONG: And if we could read that

into the record, Mr. Commissioner.

"Dear Mr. Dajia, I'm writing in response to your letter of August 5, 1988, in which you request a consideration for reinstatement of eligibility for financial support from Fitness and Amateur Sport. The Government of Canada is unequivocally opposed to the use by Canadian athletes of any banned substances in contravention of the rules of the International Sport Federations and/or the International Olympic Committee. We are equally opposed to any encouragement of the use of such substances by individuals and physicians of leadership and amateur sport, that is coaches, medical practitioners, sport scientists, administrators, et cetera, or by athletes themselves. As you are no doubt aware, Fitness and Amateur Sport presently imposes a life suspension from eligibility for federal funding in case of proven steroid use by a Canadian athlete."

"The only relief from such a life suspension is through direct appeal to the Minister of State, Fitness and Amateur Sport as published in the Drug Use and Doping Control in Sport Policy, September 5, 1985.

The petition submitted for yourself and Mr. Robert Grey has been rejected in that I see no compelling justification for such a reinstatement of eligibility for federal financial support.

I wish further to advise you that I'm currently reviewing our Dose Use and Doping Control Policy in the context of recent international developments in the area, including the First Permanent World Conference on Anti-Doping in Sport held in Ottawa last June.

This review is scheduled for completion by January 1989. Should such a policy review result in changes effecting our current sanctions structure, then your petition will automatically be reviewed again."

THE COMMISSIONER: I notice, Mr. Armstrong, this only addresses the issue of eligibility for federal

funding.

MR. ARMSTRONG: Yes, it does and I have been in error all along the way this morning and early this afternoon by speaking about eligibility to compete and I think if we were to look at Sport Canada policy, it -- that's, in effect, how it operates or only how it can operate.

THE COMMISSIONER: That's not how the CTFA interprets it. They interpreted it as not being allowed to participate internationally.

MR. ARMSTRONG: Well, I realize that and

THE COMMISSIONER: All right. We'll go on.

MR. ARMSTRONG: ---and that's why there is the dichotomy. Well, perhaps we should just pause now and look at their letter of August the 2nd.

It says, in the third paragraph of Exhibit 144, the letter of August 2nd;

"Further to your reinstatement, current Sport Canada policy on athlete suspension, as you are well aware, differs greatly to that of the IAAF.

Sport Canada policy clearly bans an athlete for life on a first offense which differs from the current two year suspension

by the IAAF."

THE COMMISSIONER: Well, go to the next paragraph?

5 MR. ARMSTRONG: "This difference in policy does effect your eligibility to compete internationally for Canada as the Canadian Track and Field Association does not wish to jeopardize its relationship with Sport Canada, particularly as it relates to
10 eligibility to financial and program support."

THE COMMISSIONER: Well, we'll leave that. We'll get that clarified later.

MR. ARMSTRONG: All right.

15 THE COMMISSIONER: This witness can't help us, I don't think. I think you said you never worked hard at this, is that right.

THE WITNESS: No, I wasn't.

20 THE COMMISSIONER: So, you never were seeking financial sport from Sport Canada, or were you?

THE WITNESS: I never received any. That was my goal, to be carded.

THE COMMISSIONER: Pardon?

25 THE WITNESS: That was my goal, you know, to be carded.

THE COMMISSIONER: How come you weren't carded when you were the number two shot-putter in Canada? Were you?

THE WITNESS: I don't know.

5 THE COMMISSIONER: Did you apply?

THE WITNESS: You're asking the wrong person that question.

THE COMMISSIONER: Well, you're the only one here I can ask at the moment.

10 THE WITNESS: I know.

THE COMMISSIONER: Did you apply or the CTFA apply for you?

THE WITNESS: It has something to do with your coaches and who they believe....

15 THE COMMISSIONER: Pardon? Maybe your because you're at university in Texas.

THE WITNESS: That was one reason, yes.

THE COMMISSIONER: I see, fine. You were on scholarship there, weren't you?

20 THE WITNESS: Right.

THE COMMISSIONER: I see. That may be a reason for it then. Go ahead.

MR. ARMSTRONG:

25 Q. All right. Then, did you receive a

further letter dated December the 12th, 1988 from the Canadian Track and Field Association? I guess I better put it in front of you. Just -- did you receive that letter?

5 A. Yes, I did.

Q. And let's just read that part of it briefly.

10 "Dear Peter; Further to the anti-doping control collection and laboratory analysis of the urine sample provided by you on July 6, 1988, as a condition of reinstatement to Canadian Track and Field, it has come to my attention that payment to cover cost of this testing has
15 been stopped on your cheque for \$500....."
et cetera.

20 "Please be advised that reimbursement for expenses incurred by the Canadian Track and Field Association for the above is the responsibility of the athlete. This was clearly stated to you as an additional condition for reinstatement. (Please refer to the attached letter and signed contract).

25 As such, please be advised that you are suspended immediately for an indefinite

period of time. Should you choose to pay the \$500 to the Canadian Track and Field Association suspension will be lifted."

5 And then, Notification of your status has been forwarded to the IAAF and the OTFA.

Could we have this, sir, marked as Exhibit 147?

THE REGISTRAR: 147, Mr. Commissioner.

10 ---EXHIBIT NO. 147: Letter dd. December 12, 1988

MR. ARMSTRONG:

Q. Now, you responded to that letter, did you not?

15 A. Yes, I did.

Q. And I'm going to show you a copy of your response and it is dated January 10th, 1989, is it?

A. That's right.

THE COMMISSIONER: Thank you.

20 MR. ARMSTRONG: Sorry.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: And could we have this response marked as Exhibit 148, please?

THE REGISTRAR: 148.

25

---EXHIBIT NO. 148: Letter dd. January 10, 1989

MR. ARMSTRONG:

Q. And then let's read this, Mr. Dajia,

5 please?

"I am in receipt of your letter dated
December 12th which I received on January
9th indicating to me that I have been
suspended from competition pending payment
10 of the \$500 to CTFA to cover the cost of my
drug tests. I wish to appeal on the basis
of the following:

It was never mentioned to me that I
could not compete for Canada in any type of
international competition.
15

When I was selected to the National
Team to compete in Italy last August I was
quite pleased with this accomplishment.

Following my selection, I was then told
20 that I was withdrawn from the team because
of the Federal Government of Canada's
suspension.

When told of point three, I then made
it known that I was prepared to discuss the
25 payment of this international experience out

of my own pocket.

I was then immediately told that this was not possible because we (meaning the CTFA) did not wish to jeopardize our relationship funding with Sport Canada.

Given all the above, payment of the \$500 would constitute payment for one meet.

To conclude, please advise me that pending this hearing, can I or can't I, compete in any type of competition pending out the outcome of this appeal.

Given the above as fact I herewith enclose \$10.00 under Rule 186 because I wish to be given the opportunity to state my case.

P.S....."

Where you can contact me and so on. I take it you were then appealing the decision disclosed in the letter of December the 12th to suspend you and you wanted to know during the currency of the appeal could you compete?

A. Yes.

Q. All right.

THE COMMISSIONER: You're sure you're not taking a law course in Texas, are you?

MR. ARMSTRONG:

Q. Then finally, this correspondence concludes -- maybe I've got the wrong one -- with a letter to you of February the 2nd.

5 THE COMMISSIONER: Thank you. 149.

THE REGISTRAR: 149, Mr. Commissioner.

---EXHIBIT NO. 149: Letter dd. February 2, 1989

10 MR. ARMSTRONG:

Q. And looking at 149;

Dear Mr. Dajia, I'm in receipt of your written appeal dated January 10th regarding your immediate suspension.....

15 As per written notification to you dated December 12 from Casey Wade, a clear condition for reinstatement was that all costs associated with the sample collection and laboratory analysis of the urine sample you provided on July 6th was your responsibility.

20 The payment of \$500 was stopped twice by you and therefore your competitive suspension has been reinforced.

What do they mean by that? Did you stop two cheques?

25 A. No, I stopped one cheque.

Q. All right.

A. I don't think I can stop the same
cheque twice.

Q. Okay.

5 THE COMMISSIONER: What about the \$10.00
cheque?

THE WITNESS: I didn't stop that cheque, no.

MR. ARMSTRONG:

10 Q. "The content of your appeal deals
directly with your eligibility status as a
national team member as opposed to concerns
with the conditions for reinstatement as
established by the Canadian Track and Field
15 Association Board of Directors. As such
your appeal has been refused on the grounds
that your payment was a direct condition for
reinstatement to the Canadian Track and
Field Association and not related to
20 national team status. We therefore await
payment of \$500 at which time you will be
officially reinstated."

And then the note;

"The discrepancy between International
25 Amateur Athletic Federation/Canadian Track

and Field Association sanctions to those of Sport Canada. As per correspondence to you from Paul Dupre, President and Chief Executive Officer, this difference in policy does effect your status as a national team member. Your concerns are certainly valid and a letter has been forwarded to Sport Canada to seek clarification from them as to the funding status of the Canadian Track and Field Association as it relates to reinstatement of previously banned athletes for doping offenses.

I enclose your cheque for \$10.00 and await payment of \$500."

And I take it that includes the long saga, as it were, of your contacts and appeals and submissions, whatever they were, after your suspension from the Canadian Track and Field Association following the positive test on June of 1986 at the nationals?

A. Yes, it was.

Q. Now, it came to my attention, Mr. Commissioner, that I, through inadvertance on my part, led Mr. Dajia into saying something that he may not have intended to say but maybe did and he didn't know that it was wrong.

I've been told that the suspension at the time that Mr. Dajia got from the IAAF and CTFA was indeed a life suspension but was subject to the ability to apply to re -- to be reinstated after 18 months. I don't know.
5 Is that your understanding?

A. Yes, it is.

Q. All right. And apparently since that time, the rule has now changed for a steroid infraction, first offense, through the IAAF, you're suspended for two
10 years, at the moment.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Thank you, Mr. Commissioner.
Thank you, Mr. Dajia. Those are all the questions I have.

THE COMMISSIONER: Mr. Steinecke?

15 MR. STEINECKE: Just a couple of questions.

THE COMMISSIONER: Oh, excuse me. Mr. Zarek, do you want to -- excuse me just a minute. Would you like to ask a few questions now or do you want to reserve that?

20 MR. ZAREK: Perhaps I might be able to ask them now, particularly in light of what he said.

THE COMMISSIONER: Okay.

MR. ZAREK: If it's okay with you, Mr. Commissioner?

25 THE COMMISSIONER: Sure. Please?

MR. ZAREK: Thank you.

EXAMINATION BY MR. ZAREK:

Q. Dealing with the last point first, this
life suspension given out by the CTFA, is it your
5 understanding that up until the time of your being given
the suspension in June of 1986 ---

THE COMMISSIONER: The CTFA or the IAAF?

MR. ZAREK: I think actually it's the CTFA,
if I'm not mistaken, had a policy -- perhaps it was the
10 IAAF.

THE COMMISSIONER: All right. Go ahead?

MR. ZAREK:

Q. Was it your information that it was a
15 life ban with the right of appeal after 18 months?

A. That's correct.

Q. And that no one before had ever been
denied that right of appeal at the point of 18 months?

A. That's correct.

Q. Now, Mr. Commissioner, if I can refer
20 the Commission to Exhibit number 141 and, in particular,
page 4 of that exhibit? This is the hearing that took
place after the June ---

THE COMMISSIONER: Yes.

MR. ZAREK: --22, 1986 failure test.

THE COMMISSIONER: Yes.

MR. ZAREK: And I bring your attention to the top of the page where the investigation makes its findings and comes to its opinion, indicates the two
5 necessary parts.

One, they said the test was done -- the collection of the test was done correctly and then, secondly, it indicates that while each of the accused have testified that they did not take any drugs, there was no
10 evidence led to challenge the accuracy of the lab.

And based upon those two findings, the Commission came to the opinion that these three people, particularly my client, Peter, had violated two CTFA rules -- sorry, one CTFA rule and one IAAF rule.

The reason that I bring that to your
15 attention, Mr. Commissioner, is no sooner do they make that finding of guilt then they turn around and from their own finding they say, in the middle of the second last paragraph,

"It is all well and good for the lab to
20 state that they are the only ones capable of interpreting the results. We, as a committee, believe that if the accused are truly intended to be able to question the findings, they must be given all information to be used
25 against them immediately upon request.

This did not happen in the matter at hand and no explanation was given for the failure."

THE COMMISSIONER: Well, Mr. Jackson was not happy with the procedure and he makes the suggestion that
5 you change it. I've read that.

MR. ZAREK: Yes. But the only point I was trying to make, Mr. Commissioner, was the fact that they made a decision saying that these three people haven't led any evidence to show that this lab test finding was
10 improper.

THE COMMISSIONER: Well, I'm not sitting on an appeal from them. Okay, thank you.

MR. ZAREK:

15 Q. Peter, when you ---

THE COMMISSIONER: Mr. Dajia, please?

MR. ZAREK:

20 Q. Sorry, Mr. Dajia, when you began taking steroids in 1980 -- when you began taking them, did you know it was wrong?

A. Yes, I did.

Q. Now, why did you decide to take them?

25 A. I wanted to be the best I can be and I knew there was no alternative, at least in my event.

Q. What do you mean by there was no alternative? What was your information?

A. Well, I mean, there's some super human feats of strength which do not happen clean. I mean,
5 somebody does not throw 22 metres clean.

Q. Did you want to become a full-time thrower?

A. Yes, I did.

Q. For you to do that, what type of work
10 schedule would you have to have?

A. I'd have -- I would have to be carded, for one. I would have to be a full-time thrower and train every day.

Q. For you to do that, for you to become
15 carded, what would that require?

A. Throwing a ridiculously high standard, to be clean and throw it.

Q. The standard that you're talking about, how was that standard developed, do you know?

A. It's based on the world list. I don't
20 know what they do to arrive at it but it's based on the world list

THE COMMISSIONER: Apart from going to Texas, was your performance say within the top 16 in the
25 world or something like that?

THE WITNESS: No, it wasn't.

THE COMMISSIONER: So, you probably weren't eligible for -- at least for an A card?

THE WITNESS: No.

5 THE COMMISSIONER: Or maybe -- a B or C, do you know?

THE WITNESS: Well, I do know that people have thrown less me than have been carded here in Canada.

THE COMMISSIONER: As a C card?

10 THE WITNESS: Right.

MR. ZAREK:

Q. Now, you represented Canada at the Junior Worlds in Japan?

15 A. It wasn't at Worlds. It was a ---

Q. A meet?

A. A meet. The U.S., Japan, China and Canada.

20 Q. And this was before your test in June of -- June 22 of '86 at the nationals?

A. Right.

Q. So you had experience representing Canada?

A. Yes, I did.

25 Q. In world meets? When you received your

test back from -- or a test, how were you informed? I think you've indicated earlier that you were informed through the media?

A. On the B sample, I was. The A sample, the then president of the CTFA, Wilf Wedman, informed me.

Q. Now, had Sport Canada ever informed you of anything at that point?

A. No.

Q. Had you found out any information from Sport Canada through the media?

A. Yes, I did.

Q. And I think ---

A. I found out that Otto Jelinik held a press conference suspending us, the three track people and the three weightlifters for life from financial aid.

Q. Had they ever written a letter to you at that time indicating that?

A. No, they did not.

Q. Had anyone from Sport Canada ever personally contact you or one of your agents?

A. No.

Q. We've gone through a number of the exhibits and I direct your attention to Exhibit number 144 which is the letter dated August 2nd, 1988 from the Canadian Track and Field Association.

The letter indicates that -- that the CTFA had forwarded on a letter to Sport Canada requesting clarification of the issue involving your suspension by Sport Canada?

5 A. Right.

Q. Had you ever been given the opportunity to see a letter or had anyone ever shown you a copy of the letter?

A. No, they did not.

10 Q. Anyone ever tell you what is in the letter?

A. No.

Q. You discussed when you -- that you did not receive Exhibit number 145 in and around the time of the letter and that letter is dated August 24, 1988. Can you indicate to the Commissioner when you actually, finally, did receive it?

15 A. I received it on information that I was suspended.

20 Q. When was that?

A. With the information. It arrived at my home sometime late that fall and I did not read it until I got home in December.

Q. In when?

25 A. December.

Q. December, thank you. We've been referred to Exhibit number 146 which is the letter from the Minister of State addressed to you.

Just for purposes of clarification because
5 we don't have perhaps all the information that you had given to the Minister of State, in the second paragraph they discuss that;

"As you no doubt are aware, Fitness and Amateur Sport presently imposes a life
10 suspension from eligibility for federal funding."

And they go on to indicate that they reject your reinstatement of eligibility for federal financial support. Were you requesting financial support from them?

15 A. No, I wasn't.

Q. When you sent your letter of August 5, what were you asking them for?

A. I wanted clarification as to my status as far as representing Canada.

20 Q. Did they give you an answer to that?

A. Not to that, no.

Q. Lastly, we referred to Exhibit number 149 or, second lastly as it may be, Exhibit number 149, a letter from the CTFA. They indicate at the bottom of the
25 page that your concerns, being as stated in one of your

letters, were valid and that they had forwarded a letter
on to Sport Canada to seek clarification to them as to the
funding status of Canadian Track and Field Association as
that relates to reinstatement of previously banned
5 athletes for doping offenses.

Now, did you ever hear back from the CTFA
with respect to that clarification?

A. No, I didn't.

Q. Has Sport Canada, to this day, ever
10 clarified that with you?

A. No, they have not.

Q. One last issue. When you were in high
school, you were approximately 19 years old?

A. Right.

Q. Were you on steroids when you were in
15 high school?

A. No, I wasn't.

Q. You've told us today that you took
steroids because it was suggested to you that if you
20 wanted to do well and compete and be the best you would
have to do that?

A. Correct.

Q. Did you continue to take steroids on a
regular basis until you were caught?

25 A. More or less, yes. In certain cycles,

yes.

Q. Since you were caught, did you ever take steroids?

A. No.

5 Q. If you were given the opportunity to compete for Canada at this point, would you take that?

A. Yes, I would.

Q. Is that something you wished to do?

10 A. I'd wish it. I would just like this, you know, to be hurried up a little bit. You know, my career is kind of hanging right now. It's been that way for the last year and a half.

MR. ZAREK: Thank you. Those are my questions.

15 THE COMMISSIONER: Thank you. Thank you. Mr. Steinecke? Thank you, Mr. Zarek.

EXAMINATION BY MR. STEINECKE:

20 Q. I'm with the College of Physicians and Surgeons of Ontario. When you first saw Dr. Astaphan in the spring of 1985?

A. Right.

Q. Were you seeing him for treatment of your mononucleosis or were you seeing him to obtain steroids to build up your size and strength?

25 A. More or less both.

Q. And did you discuss your mononucleosis with him?

A. I told him I had -- I was recovering from it. I told him I had -- I had lost that much weight and, I mean, he knew what I was there for, you know.

THE COMMISSIONER: Pardon?

THE WITNESS: Pardon?

THE COMMISSIONER: I'm sorry. You said ---

THE WITNESS: He knew why I came to his office, you know, and I mentioned Charlie's name, so automatically he knew why.

THE COMMISSIONER: That was for steroids, you mean?

THE WITNESS: Right.

THE COMMISSIONER: Right.

MR. STEINECKE:

Q. Did you understand the steroids to be a treatment for the disease or was it to build up your size and strength?

A. Both.

Q. And did he suggest to you that steroids was a treatment for mononucleosis?

A. Oh, no, he didn't. But, you know, one of the side effects was that I had lost all that weight

and I needed to compete in the summer and I was a good 20 pounds under my normal weight.

Q. Did he physically examine you?

A. No, he didn't.

5 Q. Did Dr. Astaphan become your family physician at that point?

THE COMMISSIONER: Would you speak up a bit, Mr. Steinecke, I can't hear you.

10 MR. STEINECKE:

Q. I'm sorry. Did Dr. Astaphan become your family physician?

A. No, he did not.

15 Q. So, whenever you saw him, the soul purpose was to obtain steroids?

A. Yes, it was.

MR. STEINECKE: Thank you.

THE COMMISSIONER: Thank you. Mr. Barber?

EXAMINATION BY MR. BARBER:

20 Q. Mr. Dajia, my name is Tom Barber. I represent the Sport Medicine Council and also the INRS Lab.

To follow up on the questions of Mr. Steinecke, were you aware, having suffered through
25 mononucleosis, that it was a disease that caused a blood

disorder?

A. No.

Q. That it was a disease that could adversely effect your spleen and your liver?

5

A. I knew about the spleen, yes.

Q. And the liver?

A. No.

10

Q. When you went to see Dr. Astaphan and you discussed using steroids to regain your weight and your strength following the mononucleosis, did he discuss with you the possible risk of liver damage from steroids?

A. No.

Q. Did he recommend that you go and have blood tests or a liver scan?

15

A. No.

Q. I believe you said he didn't discuss with you side effects at all?

A. No, he didn't.

20

Q. Just to back up for a minute. When you first started on steroids in the summer of 1983, am I correct in understanding that what was given to you were two envelopes that had some blue pills in them?

A. Right.

Q. The envelopes weren't labelled?

25

A. No, they weren't.

Q. The pills weren't labelled?

A. Yes, they were.

Q. What was on the pills?

A. They were little blue pills. They were
5 round and on one side they had PAR on it and I cannot
remember the inscription on the other side.

Q. All right. And nobody discussed with
you the appropriate dosages?

A. I don't recall. I'm sure somebody did.
10 I do not recall who it was.

Q. Or how long you should take them for?

A. It's the same. I mean, I don't recall
who told me that.

Q. And then is it correct, that the next
15 supply of steroids you got is when you were at Clemson and
you got them from a former football player?

A. Correct.

Q. And were the circumstances in which you
got them similar?

A. No. They were in packages.
20

Q. With labels?

A. Right.

Q. From the manufacturer?

A. Rugby.

Q. Did they have the manufacturer's name
25

on it?

THE COMMISSIONER: I didn't hear the answer?

THE WITNESS: Yes, they did.

THE COMMISSIONER: Was it labelled?

5 THE WITNESS: It was labelled. The
manufacturer was Rugby.

THE COMMISSIONER: Rugby?

THE WITNESS: Rugby Labs.

THE COMMISSIONER: Rugby Lab.

10 THE WITNESS: Yes.

THE COMMISSIONER: Was that also Dianabol.

THE WITNESS: Yes, it was.

Methandrostenolone, yes.

15 THE COMMISSIONER: That was from the
football player?

THE WITNESS: It's the same thing, yes.

THE COMMISSIONER: And from the doctor, he
gave you prescriptions all the time?

THE WITNESS: Pardon?

20 THE COMMISSIONER: The doctor gave you
prescriptions, when you went to the doctor in Fort Worth?

THE WITNESS: Yes, he did.

THE COMMISSIONER: And for Anavar, as well?

THE WITNESS: Yes.

25 THE COMMISSIONER: What about Winstrol? I

think you said you tried Winstrol, too?

THE WITNESS: I do not -- I believe I did get it from him, I'm not sure.

5 MR. BARBER:

Q. When you got the steroids from Dr. Astaphan, was that the first time that you had injectables?

A. Yes.

10 Q. And I believe you said that you got a vial from him but it didn't have a label on it?

A. No label.

Q. Initially, he didn't tell you what the substance was?

15 A. No, he didn't tell me what it was. He told me something about inosine which I did not know of at the time.

Q. All right.

20 A. He also told me of a drug from East Germany that -- like I said, that he got from somebody that -- actually made it in Japan, shipped it to Dr. Astaphan and he traded it for the Estragol from East Germany.

Q. but, initially ---

25 THE COMMISSIONER: He traded the inosine for

the Estragol?

THE WITNESS: The inosine for the Estragol.

THE COMMISSIONER: Where was the Estragol made, in Japan?

5 THE WITNESS: No, it was made -- I don't know where that was made.

THE COMMISSIONER: You said something about Japan.

THE WITNESS: The inosine was made in Japan.

10 THE COMMISSIONER: The inosine made in Japan? And the Estragol came from East Germany?

THE WITNESS: Yes.

THE COMMISSIONER: And Dr. Astaphan told you that he traded his inosine for the ---

15 THE WITNESS: For the Estragol.

THE COMMISSIONER: For the Estragol?

THE WITNESS: That is what he told me.

MR. BARBER:

20 Q. Am I correct, though, that initially he didn't tell you what the substance was at all? You said you had to keep nagging at him to find out what it was?

A. Right, right. He just told me it was a drug from East Germany.

25 Q. Right. And it was only after you

nagged him a few times that he gave the name ---

THE COMMISSIONER: I think he knew it was a steroid of some sorts, though, Mr. Barber?

5 MR. BARBER:

Q. You knew it was a steroid but you didn't know what type?

A. Right.

10 Q. And you knew it was an injectable steroid?

A. Right.

Q. But you didn't know what type?

A. Right.

15 Q. And it was only after asking Dr. Astaphan several times that he gave you the name Estragol?

A. Right.

Q. You got a supply of this injectable steroid in the summer of 1985, is that correct?

A. Right.

20 Q. And then Mr. Armstrong asked you about reattending in January of '86, in the summer of '86, and did you get further supplies of the injectable steroids each of those times?

A. I did, in January.

25 Q. Right.

A. And I don't remember in the summer of '86.

Q. And when you got a supply in January of 1986, that would be enough to carry you through for a period?

A. Yes, it was a big vial.

Q. You were injecting yourself?

A. Yes.

Q. Following the nationals, or at the nationals in June of 1986, you had your positive test, correct?

A. Yes, I did.

Q. And is it not correct that the test was positive not only for 19-nortestosterone but also for banned levels of testosterone, epitestosterone ratio?

A. Yes.

Q. Right. And from your evidence this morning, you are aware that 19-nortestosterone is a metabolite?

A. A metabolite of Deca-Durabolin or nandrolone deconate.

Q. And a metabolite is something that your body produces ---

A. And breaks down.

Q. ---in response to the substance that

you've taken in, correct?

A. It's a -- it's a breakdown product of that drug, yes.

Q. It's a by-product?

5

A. Right.

Q. As a result of your body acting on something else?

A. That's right.

Q. Is this case, an injectable steroid?

10

A. Right.

15

20

25

Q. Now, you were aware, I take it, that you had certain rights under the standard operating procedure with respect to the testing program. Is that right?

5 A. I don't follow you.

Q. Well, you arranged to have Bishop Dolegiewicz present at the lab for the opening of the B sample?

A. Yes, I did.

10 Q. As your representative?

A. Right.

Q. You knew that either you or a representative you appointed were entitled to be present when the B sample was open?

15 A. That's right.

Q. Were you aware that there were further appeal procedures under the standard operating procedure?

A. As far as with the Sports Medicine Council or --

20 Q. Yes?

A. -- CTFA.

Q. Sport Medicine Council?

A. As far as I know, we were informed that we could go either one of two ways: Either appeal it with, you know, the OTFA or the Sport Medicine Council.

25

Q. So, you were aware that there was an appeal process to Sport Medicine Council?

A. Right.

Q. But you didn't exercise that appeal?

5 A. Well, how could we because we did not receive any of the information from the lab.

Q. Well, did you look to see what that appeal process was and how you go about it?

10 A. Well, I am not sure. I am not an expert on the legal matters of that, or the rules.

Q. Had you essentially turned that over to Mr. Gray to act on your behalf?

A. Yes, I did.

15 Q. So, he made some decisions in that regard, and you went along with it?

A. Right.

Q. Throughout this period, though, you were denying, were you not, using any steroids or any drugs whatsoever?

20 A. I denied using any product of 19-nortestosterone.

THE COMMISSIONER: Well, when you go in for your sampling test, you signed a form as to what medication you were taking?

25 THE WITNESS: That's right.

THE COMMISSIONER: And, of course, you didn't tell them you were on Dianabol?

THE WITNESS: No, I didn't.

THE COMMISSIONER: Because if you said you were on Dianabol, you would be disqualified right then even without the test?

THE WITNESS: That's right. Yes.

THE COMMISSIONER: What is banned is using the substance during the training period; you knew that?

THE WITNESS: Yes.

THE COMMISSIONER: And after you said I have been taking Dianabol this time, they wouldn't bother you with the test, you are out, Mr. Dajia, you are disqualified?

THE WITNESS: That's right.

THE COMMISSIONER: You knew that?

THE WITNESS: Right.

MR. BARBER:

Q. So, you were denying using any steroids at all?

A. I never said I denied any steroids.

Q. Well, did you not deny it to the investigating committee, deny using any drugs whatsoever?

A. Not any drugs. I denied testing

positive -- I mean, I denied using Deca-Durabolin.

THE COMMISSIONER: Your appeal was on the narrow basis. You said that's not the drug I was taking?

THE WITNESS: That's right.

5 THE COMMISSIONER: But you knew that --

THE WITNESS: I did not say that to the investigating committee, no.

THE COMMISSIONER: You knew if you told the truth it wouldn't matter --

10 THE WITNESS: That's right.

THE COMMISSIONER: -- whether they had got the wrong drug or not?

THE WITNESS: That's why it was important to me to get the lab results.

15 MR. BARBER:

Q. But, Mr. Dajia, you were --

20 THE COMMISSIONER: You were, as far as the people listening to your appeal were concerned, you were taking the view you didn't take any drugs at all?

THE WITNESS: Right.

THE COMMISSIONER: Because if you told them you were taking Dianabol, it wouldn't matter --

25 THE WITNESS: They would suspended me anyway.

THE COMMISSIONER: They would suspend you anyways. Exactly.

THE WITNESS: Right.

THE COMMISSIONER: So, the picture you were giving, and I am not -- was that I am not taking drugs and that drug was never found in my system. That's the imagine you were --

THE WITNESS: Right.

THE COMMISSIONER: Right.

MR. BARBER:

Q. You told the investigating committee you hadn't taken any drugs?

A. I did in the sense that, you know, I believe that I wanted to see the results of the test.

Q. But what you told them was you hadn't taken any tests. And that's what Mr. Savage has put in his report, at page 4 he says: each of the accused had testified that they did not take drugs. That's what you told him, you didn't take drugs?

A. Well, what did they ask me, I do not remember, as far as which drugs, you know.

THE COMMISSIONER: Well, if you were asked you wouldn't have admitted it because you knew you were through anyway?

THE WITNESS: That's right.

THE COMMISSIONER: The ban is to have the drug in your urine after competition, the ban is to use it during training. That's what's banned. You knew that?

5 THE WITNESS: Not really, but I do now.

THE COMMISSIONER: Well, you knew you wouldn't put down on the -- what medication you were taking --

THE WITNESS: That's right.

10 THE COMMISSIONER: -- Dianabol.

THE WITNESS: That's right.

THE COMMISSIONER: Because you know you would be disqualified right then?

THE WITNESS: Right away.

15

MR. BARBER:

Q. Just finally with regard to the request for information, did you yourself make any requests to Dr. Dugal or the INRS lab for any information?

20 A. I do not recall, no.

THE COMMISSIONER: Well, it's quite clear, I think, from Mr. Jackson's very thorough report that Dr. Dugal wasn't one who was particularly amenable to having his analysis challenged.

25 MR. BARBER: Well, with respect, Mr.

Commissioner, and I would propose waiting until Mr. Savage is called to go into that, but I think that when all of the evidence is heard, there were substantial efforts to satisfy the request for information.

5 THE COMMISSIONER: I see.

MR. BARBER: And there were reasons given why --

THE COMMISSIONER: I am only going on the evidence we have had today --

10 MR. BARBER: I appreciate that.

THE COMMISSIONER: -- because it is obvious Mr. Savage is very concerned about the process.

15 MR. BARBER: That's right, but I think additional information will shed light on the comment in the report.

THE COMMISSIONER: All right.

MR. BARBER: And rather than trying to establish that from Mr. Dajia, who was not directly involved --

20 THE COMMISSIONER: He wouldn't help with the matter.

MR. BARBER: I will save that for Mr. Savage.

25

MR. BARBER:

Q. But, Mr. Dajia, you said that this morning the request was motivated because you had other doctors who were to analyze and dispute this. Was that
5 Dr. Mauro DePasquale?

A. One of them.

Q. And Dr. DePasquale, the Commission has heard about, you know him to be an author of a handbook for steroid use?

10 A. Yes, I do.

Q. He is a medical doctor, not a laboratory scientist; is that right?

THE COMMISSIONER: Well --

THE WITNESS: I am not sure, I don't know.

15 THE COMMISSIONER: You had him ready, he didn't see anything to analyze, did he? Did he say he could analyze these tests, Dr. DePasquale?

THE WITNESS: Well, that's the impression I got through talking with Rob.

20 THE COMMISSIONER: That's he is a biochemist of some sort?

THE WITNESS: Well, he is an expert in the field of, you know, I guess steroids.

25 THE COMMISSIONER: Well, maybe administering steroids, but not attesting the -- not to

checking the validity of the testing process, I wouldn't think. I don't know --

MR. BARBER: He is a medical doctor, Mr. Commissioner.

5 THE COMMISSIONER: Yes.

MR. BARBER: He is a medical doctor, a family practitioner.

10 THE COMMISSIONER: I understand that. But you understood he could -- if you got this printout, Dr. DePasquale could say there is something wrong with it?

THE WITNESS: I don't know.

MR. BARBER: All right. Thank you, sir.

THE COMMISSIONER: Thank you. Mr. Sookram. You don't have any questions, Mr. Pratt?

15 MR. PRATT: No, thank you, Mr. Commissioner.

--- EXAMINATION BY BY MR. SOOKRAM:

20 Q. Mr. Dajia, my name is David Sookram. I represent Dr. Astaphan's interests.

Briefly, you had your first contact with steroids in 1983?

A. Correct.

Q. And then your second contact in 1985?

25 A. Right.

Q. Or was it '84, second contact?

A. Well -- let's see it was --

Q. Clemson?

A. -- spring of '84.

5 Q. Yes.

A. Briefly.

Q. On both those occasions, the person
supplying the steroids were not medically qualified
doctors?

10 A. No, they weren't.

Q. Your third contact was with a medically
qualified doctor?

A. Right.

Q. Did he discuss dosage with you?

15 A. Well, it was on the script.

Q. Yes.

A. But, you know, every athlete doesn't
follow the script, you know.

20 Q. Yes. But you discussed those
situations?

A. Yes, he did.

Q. So, you knew something about dosage?

A. Yes.

25 Q. And he discussed clearing time with
you?

A. No, he didn't.

Q. He didn't. Did nobody, before you came to Dr. Astaphan, did nobody discuss clearance time with you?

5 A. I am sure, you know, I have heard about clearance times through, you know, I guess the general talk at meets and stuff.

Q. So, by the time you came to Dr. Astaphan, you knew something about clearance times and you
10 knew something about dosage?

A. Correct.

Q. You told us, sir, that on your first visit to Dr. Astaphan, you sat and talked?

A. Right.

15 Q. And would you say -- would you agree with me that your first meeting lasted over one hour?

A. It may have.

Q. Yes. What sort of things did you talk about?

20 A. A lot of things. He was interested in what kinds of gains I would make off certain drugs.

Q. Yes.

A. He talked about Ben and Angie a lot.

Q. Yes?

25 A. Telling me about their training and how

strong they were getting. He mentioned something about growth hormone, and how one -- how Angie's hamstring recovered with it. Basically, that was about it.

Q. He asked you about your weight gains on
5 and off tablets?

A. Yes.

Q. Yes. Did he ask you whether or not you
had a family doctor in Toronto?

A. No, he didn't.

10 Q. He didn't. Did you tell him that you
were not living in Toronto at that time?

A. He knew that I went to school at Texas.

Q. I put it to you, sir, that he
recommended you be monitored down there whilst you were in
15 Texas?

A. No, I didn't.

Q. He didn't say that to you at all?

A. No, he didn't.

Q. Did he suggest that you should come
20 down regularly to him to be monitored?

A. No, he didn't.

THE COMMISSIONER: I thought you said he
wanted you to come in once or twice a week for injections?

THE WITNESS: Yes, he did, but that was
25 for --

THE COMMISSIONER: You thought you couldn't afford it.

THE WITNESS: No, I didn't have the time to come to his office.

5 THE COMMISSIONER: He wanted you to come in and see him once or twice a week?

THE WITNESS: For the injections.

THE COMMISSIONER: Rather than inject yourself?

10 THE WITNESS: No, he didn't say that. He said, you know, to start showing up two or three times a week. I said I don't have the time, can you give me the bottle of Inosine and the mixture and I will take it home and inject myself.

15 THE COMMISSIONER: All right.

MR. SOOKRAM:

Q. When was the last time you saw Dr. Astaphan?

20 A. I believe in '86.

Q. In '86?

A. Just after our positive test.

Q. After the test?

A. Right.

25 THE COMMISSIONER: After the positive test?

THE WITNESS: Right.

THE COMMISSIONER: Did you discuss that
with him?

THE WITNESS: Yes, that was -- we were in
5 there discussing the test with Dr. Astaphan on I believe
two or three occasions.

MR. SOOKRAM:

Q. Had you at any time told Dr. Astaphan
10 of any side effects you felt from these steroids?

A. No, I didn't.

Q. You told us this morning that you paid
Dr. Astaphan --

THE COMMISSIONER: \$85.00.

MR. SOOKRAM:

Q. \$85.00 for the Estragol?

A. Right.

Q. And you couldn't remember the price for
20 Inosine?

A. Right.

Q. Had you paid him for every supply?

A. No, not every one.

Q. Has he ever asked you for the money?

A. He told me how much it would cost.

Q. Yes, but has he ever sent you a demand for the money?

A. No. I knew to bring the money with me and give it to him in exchange for the goods.

5 Q. And you don't owe him anything at all?

A. No, I don't.

Q. If Dr. Astaphan had recommended to you, sir, that from time to time you check up with your own doctor, you would have remembered that?

10 A. Yes, I would have.

Q. Even though it's three years ago?

A. Yes, I would have.

Q. The last time you saw Dr. Astaphan, did you see him at his clinic?

15 A. Did I -- pardon?

Q. The last time you saw Dr. Astaphan, did you see him at his clinic or at his office?

A. Yes, I believe so.

Q. What year was that?

20 A. In '86 -- no, I am sorry, the last time I saw Dr. Astaphan was at the Canadian nationals in '88, the Olympic trials.

Q. By that time had you known that he had left the country?

25 A. Yes.

Q. That he was living abroad?

A. That's right, in St. Kitts.

MR. SOOKRAM: All right. Thank you, sir.

THE COMMISSIONER: Thank you, Mr. Bourque.

5 MR. BOURQUE: I don't know if Mr. Ashby was going to proceed me. I have no problem going next.

THE COMMISSIONER: No, no, Mr. Ashby should go next, please. Thank you. You are somewhat hidden from view even though you are very tall.

10 MR. ASHBY: I hide at the back.

THE COMMISSIONER: We should give you a high chair back there.

--- EXAMINATION BY MR. ASHBY:

15 Q. My name is Ashby and I represent Bishop Dolegiewicz. Just help me with this incident in 1983. Were you competing in July and August 1983?

A. Yes, I was.

20 Q. Can you recall where you competed during those months?

A. Once was Connecticut.

Q. When was that?

A. And Sherbrooke. I am not positive of the dates, and once was in Japan.

25 THE COMMISSIONER: You have all the

tournaments, Mr. Armstrong.

MR. ARMSTRONG: Yes.

MR. ASHBY:

5 Q. So, you have got Connecticut,
Sherbrooke?

A. That's right.

Q. And Japan?

A. Right.

10 MR. ASHBY: Mr. Armstrong is going to help
me.

MR. ARMSTRONG: July 27 in Sherbrooke and
July 31 in Connecticut, and I don't have any record here
of the Japan meet, but those are the two.

15 THE WITNESS: It would have been August 15th
and on I believe.

MR. ASHBY:

Q. So, August 15?

20 A. Somewhere in that area, second week in
August.

Q. You were in Japan at that time?

A. Yes.

Q. How long were you there?

25 A. I believe it was eight days, somewhere

around there.

Q. So, can you tell me when this incident was in relation to the meet in Japan?

A. It was before that.

5 Q. Before?

A. Yes.

Q. So, probably sometime between this meet in Sherbrooke and sometime between the meet in Japan?

A. No, it was before that.

10 Q. Well, the meet in Sherbrooke appears to be 31st of July?

A. Right.

Q. So, is this incident with Bishop Dolegiewicz before that?

15 A. It is before that.

Q. So, it is July, in fact, not August?

A. Yes.

Q. Okay. And there is a Three Nations Meet in the Connecticut the 27th of July. So, I take it, it was even before that?

20 A. Right.

THE COMMISSIONER: What is this you are referring to now, Mr. Ashby, the first purchase?

MR. ASHBY: There is only one incident that I am aware of that Mr. Dajia mentioned that connected with

25

my client as far as buying steroids is concerned. That's in August, he said, of 1983, but it looks as though it is now July?

THE WITNESS: I said the summer.

5

MR. ASHBY:

Q. No, I am not being critical, I am trying for my client's benefit, he has to respond to this, I am trying to see when it was.

10

So, it looks though it may be July, now. I am just trying to look at this again. Perhaps you can help me with this. It looks as though on the 24th of July, you were at the junior national outdoor championships?

15

A. Right.

Q. According to this list.

THE COMMISSIONER: This occurred in Toronto, did it?

THE WITNESS: Yes, it did.

20

MR. ASHBY:

Q. So, this incident is before the 24th of July?

A. I would imagine, yes.

25

Q. Okay. So, you can't help me any more

other than that?

A. I don't remember a specific day, if that's what you are after.

5 Q. And did you specifically say to Mr. Dolegiewicz, I want Dianabol, or did you go up to him and just say I want some steroids?

A. I want Dianabol because it was known amongst the throwers that Bishop had a contact in Austin with a pharmacist.

10 Q. How do you know it's Dianabol?

A. How do I know?

Q. Yes, to ask for?

A. I didn't. He told me it was Dianabol.

Q. That was the question I put to you?

15 A. Okay.

Q. Did you go up to him and say I want some steroids?

A. I told him I wanted Dianabol.

20 Q. You specifically asked him for Dianabol?

A. Right.

Q. Was that because somebody had recommended Dianabol to you?

A. Yes, I would imagine.

25 Q. But you can't remember who that was

now?

A. No.

Q. And as I understand it, you can't
remember who it was who recommended you approach Mr.
5 Dolegiewicz?

A. He had a reputation for that sort of
thing.

Q. But when Mr. Armstrong asked you, you
couldn't recall who it was that specifically --

10 A. No, I couldn't --

Q. -- recommended that?

A. No.

THE COMMISSIONER: I think his answer is
pretty well the same, he was known for it.

15

MR. ASHBY:

Q. That's right. But you don't recall now
who it was --

A. No.

20 Q. -- if it was anybody?

A. No.

Q. Now, with respect to this discussions
with about clearance time, in 1985, at the nationals, was
Bishop Dolegiewicz competing?

25 A. I don't remember.

Q. What about in 1986?

A. He was competing in '86.

Q. And I wrote down your evidence as being
the discussion of clearance times more or less popped up,
5 I am not too sure what that means. Was this something
that was being discussed often amongst the throwers?

A. Yes, it was.

Q. So, it wasn't necessarily specifically
Bishop Dolegiewicz that you were discussing it with, but
10 this came up, clearance time came up all the time?

A. Bishop is who I remember talking to
about it.

Q. But there may have been others?

A. Yes.

Q. And can you help me why it was that you
15 chose Bishop Dolegiewicz to attend in Montreal for the
opening of the B test?

A. He lived in Montreal; he was the only
person I knew in Montreal at the time.

Q. So, that was the only one --

A. He was a friend of mine.

MR. ASHBY: Thank you.

THE COMMISSIONER: Fine, thank you. Let's
take a five-minutes break.

--- Short recess.

--- Upon commencing.

THE COMMISSIONER: Where is Mr. Bourque?

5 MR. ZAREK: I am sure he wouldn't have any questions.

THE COMMISSIONER: I was about to take over myself, Mr. Bourque.

MR. BOURQUE: I am sorry, Mr. Commissioner?

10 THE COMMISSIONER: I was going to take over, but I will give you first opportunity. Away you go.

MR. BOURQUE: I was just doing a little checking up.

THE COMMISSIONER: Okay.

15

--- EXAMINATION BY MR. BOURQUE:

Q. Mr. Dajia, I represent the Canadian Track and Field Association.

20 Now, we have heard some evidence about what was made apparent to you as to the CTFA position that Sport Canada's life ban on funding extended not only to you, but to the CTFA itself respecting its funding.

25 And just to establish this conclusively, you were not involved in any communications between Sport Canada and CTFA officials where that was discussed, were

you?

A. Just one time.

Q. And who was involved in that discussion
on that occasion?

5 A. I cannot remember the gentleman's name,
but he was one of the secretaries for Jean Charest.

Q. For John who?

A. Jean Charest.

10 Q. Who is presently the Minister of
State --

A. That's right.

Q. -- for Fitness and Amateur Sport?

A. That's right.

Q. Who was he speaking to?

15 A. He was speaking to me.

Q. I see.

A. I had called him up right after the
incident at -- in Ottawa. And he returned my call, and I
spoke with him.

20 THE COMMISSIONER: Do you know who it was?

THE WITNESS: If I recognize the name --
I mean, if I hear the name I would recognize it.

THE COMMISSIONER: Okay.

25

MR. BOURQUE:

Q. Well, let me suggest one to you: Lane
McAdam?

A. Yes.

5 Q. Thank you. When you spoke with Mr.
McAdam in the Minister's office --

A. It wasn't in the office, it was over
the phone.

Q. Of the Minister's office?

10 A. Okay.

Q. It was after the nationals in August
1988?

A. Right.

Q. Shortly after the nationals?

15 A. About within a week to two weeks, yes.

Q. And you had called him; is that
correct?

A. Right.

Q. And what did he tell you?

20 THE COMMISSIONER: What did you ask him, I
am sorry.

MR. BOURQUE:

Q. Let's start there, that's appropriate?

25 A. Well, I wanted clarification as to my

status. He at that time said that, well, you know, it's up to the CTFA. You know, we have cut you off from funding as far as you cannot be carded. He said whether the CTFA wishes to, you know, put you on the team, that's
5 their prerogative and they, you know, it's up to them. Basically that was what was said.

And I asked him, well, the CTFA tells me that, you know, it's Sport Canada that's pulling the strings. And he said, no, it's CTFA.

10 So, at that moment, I was more or less confused as to, you know, who was telling the truth.

Q. Did you discuss anything else with Mr. McAdam at that time?

A. Not that I can remember.

15 Q. Did you have any other discussions with Mr. McAdam?

A. No, I didn't.

Q. Or anyone else from Sport Canada on this subject?

20 A. No.

Q. And if I tell you that employees of the CTFA have received a contrary message from Sport Canada at about the same time, you would not be able to deny that?

A. Pardon?

25 Q. If I told you now that the CTFA

received a contrary message from Sport Canada at about the same time, you would not be able to deny that?

THE COMMISSIONER: You don't know what communication CTFA had from Sports Canada?

5 THE WITNESS: No, I do not.

MR. BOURQUE:

Q. Now, when you had heard this from Mr. McAdam, did you call Mr. Dupres or anyone else at the CTFA?

10

A. I don't remember.

Q. You don't?

A. No.

Q. Well, is it, in view of the fact that you don't remember, isn't it likely that you didn't?

15

A. I don't remember.

Q. Did you discuss this with your representative Rob Gray?

A. I told him I had talked to one of the Minister's aides. And he broke out laughing, is what he did. You know, he says, well, you know, the CTFA says, you know, funding is going to be cut if they put you on the team. And Sport Canada says, no, it's up to the CTFA now, you know, where do you draw the line, who is lying and who is telling the truth.

20

25

Q. So, you did give Mr. McAdam's
information to Mr. Gray?

A. Yes, I did.

Q. When was that?

5 A. I would imagine shortly afterwards, if
not that day.

Q. So, again we are still in August 1988?

A. Right.

10 Q. And to the best of your information,
did Mr. Gray ever take that information to the CTFA on
your behalf?

A. To the CTFA?

Q. Yes.

A. No, he didn't, as far as I know.

15 Q. When you made your application to the
Minister --

THE COMMISSIONER: The appeal, you mean.

MR. BOURQUE: I guess it is as an appeal,
yes.

20 THE COMMISSIONER: The appeal.

MR. BOURQUE:

25 Q. Later on to the Minister, in 1988, did
you raise this matter with him, or did Mr. Gray raise it
on your behalf?

A. I don't know, I haven't seen it. I did not see the appeal myself.

Q. Well, did -- was there a hearing in which someone attended on your behalf?

5 A. No.

Q. It was a written appeal?

A. It was a written appeal to the Sport Minister.

10 Q. And Mr. Gray prepared that and sent it for you?

A. Yes.

Q. Did you see it before it went?

A. No, I didn't.

15 Q. Now, you have testified that you made telephone calls to Steve Findlay of the CTFA?

A. That's right.

Q. When did you make the first call that you spoke of this morning?

A. I don't remember; it was that summer.

20 Q. You haven't got any recollection at all?

A. It was just before -- it was about I would say two or three weeks maybe before that first test.

25 Q. All right. And the first test we know was taken on July 6, 1988?

A. Right.

Q. So, two or three weeks before that would put it at mid June at the earliest?

A. I would imagine, I don't recall, but --

5 THE COMMISSIONER: What date was this now Mr. Bourque?

MR. BOURQUE: We are back at mid June, 1988.

THE COMMISSIONER: Thank you.

10 MR. BOURQUE: When he makes the first call to Mr. Steve Findlay to the best of his recollection.

THE COMMISSIONER: I understand. He related it to the first test that's why I couldn't figure it out.

15

MR. BOURQUE:

Q. When I understand this -- when I say the first call to Mr. Findlay, I understand us to be talking about the first call you made to Mr. Findlay to complain about the time your reinstatement process is taking. Do you understand that, too?

20

A. Yes.

THE COMMISSIONER: All right.

25

THE WITNESS: You are not talking about threat, now.

MR. BOURQUE:

Q. No -- yes, I believe you told him at that time that you had spoken to a reporter and --

A. No, I had spoken to him about three or
5 four times prior to threatening him.

Q. I see, again about the reinstatement.

THE COMMISSIONER: That's what he understood --

MR. BOURQUE: I am sorry, I missed that.

10 THE WITNESS: Right.

MR. BOURQUE:

Q. Okay. So, when was the first threat made?

15 A. Just prior to getting that drug test done.

Q. A matter of days before then?

A. Right.

Q. Before that phone call, which would
20 have taken place around the very end of June or the beginning of July 1988; is that correct?

A. Right.

Q. Before that phone call, you never communicated any threat to Steve Findlay, did you?

25 A. No, not that I can remember.

Q. As I understand it, your evidence is that as a result of this threat communicated to Mr. Findlay the end of June or beginning of July 1988, things began to happen. Is that correct?

5 A. As far as I am concerned, yes.

Q. You got the test lined up within a few days?

A. Within a few days, right.

10 Q. Had you been in touch with Mr. Gray at all about previous events in your reinstatement proceedings?

A. Yes, I have.

15 Q. Did you know that earlier on in 1988 that the reinstatement proceedings had commenced mistakenly with the OTFA. Did you know that?

A. No, I didn't.

Q. Did you know that months were wasted before the OTFA, before someone realized it had to be transferred to the CTFA?

20 A. I heard it was the other way around, but, go on.

Q. All right. Do you know from Mr. Gray or from any other source that your application for reinstatement before the CTFA was heard by its board of
25 directors in April 1988. Do you know that?

A. I do not know the actual date, no. I would imagine it was sometime early that spring.

Q. All right. And that the CTFA granted your reinstatement request at that time?

5 A. Right.

Q. With a view to forwarding it on to the IAAF for one of its council meetings later in April. Are you aware of that?

A. Yes, I am.

10 Q. And do you know that your application for reinstatement before the IAAF was not considered at its April council meeting. Are you aware of that?

A. Yes, I am, that's due to the Zola Budd incident.

15 Q. Which took up the agenda?

A. That's right.

Q. And the next council meeting at which your reinstatement request could have been considered by the IAAF was months later, wasn't it?

20 A. I do not know.

Q. I suggest to you it was after the meet in Italy, in August 1988, that you were so anxious to attend?

A. Right.

25 Q. And --

THE COMMISSIONER: I am sorry, the letter July 5th, says CTFA Board of Directors approve forwarding your appeal for reinstatement to the IAAF conditional upon a negative test. That's dated July 5th.

5 MR. BOURQUE: Yes.

THE COMMISSIONER: You said this had been done before actually, is that what you said, before -- not before this.

10 MR. BOURQUE: It was supposed to have been raised with the IAAF.

THE COMMISSIONER: I gather from Mr. Dajia's evidence that the letter July 5th was shortly after one of these threats that you made. Is that right?

THE WITNESS: That's right.

15 MR. BOURQUE: Shortly after the first threat.

THE COMMISSIONER: Yes.

THE WITNESS: Correct.

20 THE COMMISSIONER: And it says here it was going to be forwarded on to the IAAF.

MR. BOURQUE: The results of the drug test, I believe, sir.

25 THE COMMISSIONER: Conditional upon CTFA Board of Directors approve forwarding your appeal for reinstatement to the IAAF conditional upon the negative

test. I am not following that -- had this been done in April, you say?

MR. BOURQUE: This had been decided in April. The witness has agreed with me.

5 MR. BOURQUE:

Q. You knew before this letter of July 5th that the CTFA had approved your reinstatement subject to a negative test and acceptance by the IAAF?

A. That's correct.

10 Q. What is being read by the Commissioner in this letter is just a repeat of that notification that you received earlier, isn't it?

A. I would imagine.

15 MR. BOURQUE: It's nothing new, as it appears in that letter, Mr. Commissioner.

THE COMMISSIONER: There been earlier letters to Mr. Dajia to the same effect?

MR. BOURQUE: Yes.

20 THE COMMISSIONER: Is that the correspondence?

MR. BOURQUE: Well, I have correspondence from Mr. Wedeman to these people earlier on.

THE COMMISSIONER: I understand.

25 THE WITNESS: I did not receive a letter

prior to that one.

MR. BOURQUE:

Q. But you had heard about it at least
5 through Mr. Gray?

A. Yes, I did -- our 18 months was up in
December. And from what I understand, Mr. Gray had been
lobbying to get us reinstated all that winter and spring.

Q. Yes?

10 A. That is to my best, you know, of my
ability to remember there.

Q. You and I are in agreement on that so
far. And we are now at the point where the CTFA has
granted your reinstatement in April 1988, subject to a
15 negative urine test and has sent that on to the IAAF?

A. Uh-huh.

Q. And the IAAF failed to hear it in April
1988. And I suggest to you at that point that Mr. Gray
and the CTFA arranged to have your reinstatement heard
20 before a special meeting of the IAAF at the end of July in
1988 when the IAAF, for example, were attending Sudbury
for the world junior championships. Is that your
recollection?

25

A. No.

Q. You never heard that?

A. No.

Q. Well, we will ask Mr. Gray about that
5 and others. Now I suggest to you, sir, that the haste
that you have described in the setting up of this test was
not the result of any threat you made to Mr. Findlay, but
the results of Mr. Gray's efforts and the CTFA's efforts
in arranging this special meeting at the end of July 1988;
10 isn't that correct?

A. No, I don't think so.

Q. Well, where did you think your
reinstatement materialized from, if not from the IAAF
meeting in July?

15 A. I think it was directly a threat.

Q. You didn't make a threat to the IAAF,
did you?

A. No, to the CTFA and Steve Findlay.

Q. What do you think he did, took the IAAF
20 by the collar?

A. No, I don't mean with the IAAF. I
mean, as far as getting that test done, I had been home
for, you know, three to four weeks then.

Q. And you were returning to Texas?

25 A. I told him that so I could hurry up the

test. I had no intention of going back to Texas.

Q. I see, so you lied to him?

A. Yes, I did.

Q. But he thought you were returning to
5 Texas within a matter of a few days; is that correct?

A. The conversation was I said, "If I'm
going back to town, I'm leaving for Texas Wednesday. If I
go back to Texas, I will be contacting that reporter. I
will not be back."

10 Q. Well you've told us that. You're not
telling us anything new. I'm asking you, did you not know
at the time you made the threat that he was already in a
hurry because of the upcoming special meeting at the end
of July 1988?

15 A. He didn't know about that meeting at
the time.

Q. He didn't?

A. No.

Q. You did?

20 A. No, I didn't.

Q. When did that materialize?

A. I found out about it just prior to that
weekend just before the nationals.

Q. Just before the nationals?

25 A. Yes, because I did not get reinstated

until that Monday.

Q. So what you're telling us is you had no prior knowledge about the special meeting?

A. No, I didn't.

5 Q. That doesn't mean Mr. Findlay didn't?

A. He never conveyed that message to me.

Q. Well, in any event, we will hear from others on it. Now, this morning you confessed to anabolic steroid use for the period from the summer of 1983 to the summer of 1986 when you were caught; is that correct?

10 A. Yes, correct. From the fall of '83.

Q. The fall of '83. And in December 1986, did you personally appear before an investigative committee of the OTFA at the Cambridge Hotel in Toronto for a hearing into your positive test result?

15 A. Yes, I did.

Q. And was there a three-man panel hearing the evidence at that time?

A. Yes, I believe there was. There was a panel. I'm not sure of how many there were.

20 Q. And were there a number of witnesses called before this committee including Dr. Robert Dugal of the IOC lab in Montreal?

A. That's right.

25 Q. And at that time, in the circumstances

of that hearing, did you realize your future career was in jeopardy?

A. As far as I know, it was going to be 18 months.

5 Q. Which is pretty serious business in the life of a shotputter's career; isn't that correct?

A. That's true.

Q. And you appreciated that these were serious and solemn proceedings you were involved in at the
10 time; is that correct?

A. Correct, right.

Q. And you gave evidence yourself, didn't you?

A. Yes, I did.

15 Q. And you were asked by that investigative committee whether or not you took any banned substances, weren't you?

A. Correct.

Q. And you lied to them. You said no;
20 isn't that correct?

A. Yes, it was a conditional lie.

Q. It was a lie.

A. Well, if I would have said yes, then I would have been suspended anyways. I wanted to get the
25 test results.

Q. I can believe you that you had a motive to lie but you lied, didn't you? You lied to them bare-faced.

A. Yes, on a condition.

5 Q. And you knew well in advance of that hearing in December 1986 that you were going to be asked whether you had used banned substances before. You knew that, didn't you?

A. Yes I did.

10 Q. And your lie then was something you had thought about. It was fully pre-meditated, wasn't it?

A. It was a bit of a lie and a bit of a truth.

Q. A bit of a lie?

15 A. Yes, it was.

Q. To appear before a hearing of this nature and lie about the very subject matter, the core of the proceedings?

20 A. Look, I did not take Deca-Durabolin. That's what I tested positive for and testosterone.

Q. I'm showing you Exhibit No. 34 in these proceedings which is the Sport Medicine Council of Canada Banned, Restrictive and Permissible Use of Drugs in Amateur Sport pamphlet. Have you ever seen that before?

25 A. No, I haven't.

Q. Now, let's just put that aside for a moment. You have testified that you tested positive for 19-nortestosterone which is, in your evidence, a metabolite of Nandrolone or Deca-Durabolin; is that correct?

A. As far as I know.

Q. And you say you never took either of those, Nandrolone or Deca-Durabolin?

A. No. Excuse me, every thrower knows to stay away from those injectable oil-based drugs. They stick around your system a long time so you know better than to take it.

Q. So you mean to imply by that evidence, I take it, that your positive test results in 1986 were questionable?

A. Correct.

Q. And can I ask you, what is your authority for saying 19-nortestosterone is a metabolite only of Deca-Durabolin and Nandrolone?

A. I don't know that it is.

Q. Well, you testified this morning that to your knowledge it was?

A. That's the two possibilities, yes. I don't know of any other possibilities.

Q. There could be others though?

A. I don't know of them. I mean, I'm not a chemist so I don't know.

Q. I'm only asking you to admit there's a possibility there are other steroids that could be indicated by that finding?

A. Correct, but it's not methandrostenolone.

Q. Can you deny that Dianabol can be evidenced by a 19-nortestosterone finding?

A. Yes, I do.

Q. Where is your authority for that?

A. I have been reading books. One of them is Mauro DePasquale's book.

Q. And does his book say that?

A. I guess not flat out, but it has breakdown products of the drugs.

Q. Well, if I can refer--

A. Dr. Dugal actually, -- I mean, he was the one that told us what the drug was in that meeting.

Q. He told you Nandrolone?

A. Nandrolone, Deconate or Deca-Durabolin.

Q. I don't mean to suggest that I know either, but can I just refer you to Exhibit 34, and I don't know if we have the same years' addition before us, but I'm looking at page 2, which has a banned list of

drugs on it. Do you see that?

A. Yes, I do.

Q. Do you see Section C, anabolic
steroids?

5 A. Yes, I do.

Q. Do you see half-way down the list the
words Nandrolone or 19-nortestosterone?

A. Yes, I do.

10 Q. Do you see in parenthesis after that
Durabolin, Deca-Durabolin, anabol?

A. Right.

Q. What's your authority or, rather, what
is your information about anabol?

A. I don't know what it is.

15 Q. Could it be related to Dianabol, for
all you know?

A. I don't know. You will have to get a
chemist in here to find out.

Q. Anavar?

20 THE COMMISSIONER: In a sense it's all
academic because the witness admits himself that at the
time of the test, he had been taking Dianabol and would
have been disqualified if he made that disclosure.

MR. BOURQUE: That's correct, Mr.
25 Commissioner.

THE COMMISSIONER: These appeals on the ground that they have found the wrong drug are premised on the fact that they will be valid if there's no drug at all, but to hear if he took Dianabol, if he disclosed that to the doping control officer, he would be disqualified without the tests at all.

MR. BOURQUE: I suppose in another way it's exactly the point I'm trying to establish.

THE COMMISSIONER: Well, in any event, this was some theory about-- in any event, what he is saying is that he denied taking any steroids before this committee because he wanted to pursue the fact that if he was taking steroids, they found the wrong one; isn't that right?

THE WITNESS: That's correct.

THE BOURQUE: Well, I think he said, in fairness, I think he said he didn't want to be suspended.

THE COMMISSIONER: Pardon me?

MR. BOURQUE: He said he didn't want to be suspended. That's why he lied.

THE COMMISSIONER: Oh, I understand.

THE WITNESS: I also wanted to see the evidence against me.

MR. BOURQUE:

Q. Thank you, Mr. Commissioner. You've

also testified about this meeting at the nationals in August of 1988 at a picnic table with Rob Gray and CTFA officials present.

5 THE COMMISSIONER: Let's go back. Can I interrupt. Was there some suggestion there that what was detected could be some sort of compound of Dianabol? Is that what you are saying?

10 MR. BOURQUE: My question did suggest that, but I hasten to add I don't know. I was asking him because he apparently had access to some authorities and I was trying to explore whether he raised that with his authorities.

THE COMMISSIONER: Well, he is--

15 THE WITNESS: We did ask Dr. Dugal.

MR. BOURQUE:

Q. And he said no?

A. It couldn't be Anavar or methandrostenolone.

20 THE COMMISSIONER: It could be Anavar?

THE WITNESS: It couldn't be.

MR. BOURQUE: That's what I wanted to know.

Q. When did you ask Dr. Dugal that?

25 A. I can't remember if it was me

personally or it might have been through Rob. I don't remember.

Q. Was it at the hearing?

A. I don't remember.

5 THE COMMISSIONER: But you knew that to have the substance in your system the day of the competition was a meaningless thing. You don't need it that day. You need it to build up your strength long before the competition over a long period of time.

10 THE WITNESS: Right.

THE COMMISSIONER: And that's what's banned, using it.

MR. BOURQUE: Now, we are prepared to move on, I take it?

15 THE COMMISSIONER: Yes.

MR. BOURQUE:

Q. At the nationals in August of '88, we have this meeting at a picnic table which involves you, Rob Gray and the three CTFA officials you have named?

20

A. That's right.

Q. And was this still while the nationals, the meet was in progress?

A. Yes, it was.

25 Q. And do you recall what day of the week

it was?

A. It was after I had competed.

Q. Well it's what, a two or three-day event?

5 A. It was a three-day event I believe.

Q. And what day did you compete on?

A. The first day. I can't remember if it was a Thursday or Friday now.

10 THE COMMISSIONER: It was the same day that you had competed?

THE WITNESS: It was after, the next day.

MR. BOURQUE:

Q. So it was the second day of the meet?

15 A. Right.

Q. And what time of day was it?

A. I don't remember.

Q. Morning, noon or night? You must have some recollection.

20 A. It wasn't in the evening. I guess--I would imagine it would be afternoon, early afternoon or somewhere around there.

Q. You don't sound too certain.

A. I don't recall. I mean, I know it wasn't in the evening and it wasn't early in the morning.

25

Q. And how long did the meeting last?

A. How long I was there for or how long did it last? I guess how long it lasted. I was there for maybe ten minutes.

5 THE COMMISSIONER: It was more of a conversation than a meeting, I think, Mr. Bourque.

THE WITNESS: Right.

MR. BOURQUE:

10 Q. Well, according to this witness, yes. Were you there from the beginning or did you arrive after the discussion had started?

A. I don't recall.

15 Q. Did you leave while the discussion was still in progress?

A. Yes, I did.

Q. Did anyone else get up and leave at any point while you were there?

A. I don't recall.

20 Q. Did anyone join in the meeting after it started besides yourself?

A. I do not recall.

25 Q. Now, I'm going to tell you that I am instructed by Bruce Savage that his evidence will be that he recalls this discussion or meeting, but denies that you

were present for any part of it.

A. I was.

Q. You deny that then?

A. Pardon?

5 Q. You deny what his evidence will be?

A. Yes, I do.

THE COMMISSIONER: I'm sorry. He denies
that he was present when--

10 MR. BOURQUE: Mr. Savage said that he was
not present at any time during the meeting--I'm sorry, Mr.
Dajia was not present.

THE COMMISSIONER: Pardon?

MR. BOURQUE: Let me start again.

15 THE COMMISSIONER: I didn't understand the
way you put it, but Mr. Savage denied he was present at
the meeting when Mr. Dajia was present?

MR. BOURQUE: No, I've given you the wrong
impression altogether.

20 THE COMMISSIONER: I think so.

MR. BOURQUE:

Q. Mr. Savage will deny that you were
present at any time during that meeting?

25 A. I was there.

THE COMMISSIONER: What meeting?

MR. BOURQUE: The discussion.

THE COMMISSIONER: Well, what discussion was Mr. Savage at which Mr. Dajia was not?

5 MR. BOURQUE: The discussion that Mr. Dajia spoke at length about this morning at the picnic table in August of 1988--

THE COMMISSIONER: About a renewed threat?

MR. BOURQUE: Exactly.

10 THE COMMISSIONER: Was Mr. Savage at a discussion where there was discussion of a renewed threat with somebody else?

MR. BOURQUE: You're anticipating me. That's my next question.

15 THE COMMISSIONER: All right. I don't understand the premise myself. Go ahead.

MR. BOURQUE: Well, I mean, this witness is testifying he was present at a meeting and he conveyed a threat at a discussion--

20 THE COMMISSIONER: He was present with certain people during which conversation you said he renewed his threat?

MR. BOURQUE: Yes.

25 THE COMMISSIONER: And the impression you're giving at the moment is that Mr. Savage was at a

meeting in which there was a renewed threat, but Mr. Dajia was not?

MR. BOURQUE: No, that's not true.

THE COMMISSIONER: All right, well that's
5 the way the question was put, I think. Unintentionally, I'm sure. So shall we start over again.

MR. BOURQUE:

Q. Thank you. To start from the
10 beginning, I'm instructed by Mr. Savage, Bruce Savage that his evidence will be that he recalls a meeting with Mr. Ouellette and Mr. Dupre and Mr. Gray about the very subjects you suggested, except for the threat. He denies that you were present at that meeting at any time.

15 A. I was there. I may not have been there for the total meeting, but I was there.

Q. I am further instructed by Mr. Savage that his evidence will be that he never received any threat from you or anyone else at any time that you or
20 anyone else would go to the press about the world's fastest man or woman or about Dr. Jamie Astaphan. Do you deny that?

A. Yes, I do.

Q. Now, I am similarly instructed by
25 Jean-Guy Ouellette that his evidence will be that he

recalls a meeting at the nationals at a picnic table with Mr. Savage, Mr. Dupre and Mr. Gray?

A. Right.

5 Q. At which your reinstatement was discussed?

A. Was I there at this time?

Q. He too denies that you were there at any time during the meeting.

A. Well, I was there.

10 Q. And I'm further instructed by Mr. Ouellette that he never received any similar threat about you going to the press about the world's fastest man. That's going to be his evidence. Do you deny that?

A. I deny it.

15 Q. I am further instructed by Paul Dupre that his evidence will be that he recalls a meeting at a picnic table with Mr. Ouellette, Mr. Savage and Mr. Gray at the nationals at which your reinstatement was discussed, but he too says you were never present at the
20 meeting.

A. Well, wouldn't it be odd that if the meeting is concerning me, that I wouldn't be there?

Q. You had a representative there. Mr. Gray was your representative, wasn't he?

25 A. I would also like to know what's going

on. He was my representative, yes, but I would also like to be there.

Q. Finally, I'm also instructed by Casey Wade, an employee of the CTFA, that his evidence will be he was standing nearby this picnic table during much of this discussion between Mr. Savage, Mr. Dupre, Mr. Ouellette and Mr. Gray, and he later joined the meeting, the discussion, near its conclusion, but the only people he saw there the entire time were Mr. Savage, Mr. Dupre, Mr. Ouellette and Mr. Gray.

A. I told you I had left early. I was only there about ten minutes. I testified earlier that I left. I was really upset, and after the threat, I had left. I don't recall what I did after that, but the meeting was still going on.

Q. In fact, you were extremely upset and, I suggest, you're extremely bitter towards the CTFA in general, aren't you?

A. More or less. They did not stick up for me as an athlete, as a member of their organization.

Q. I suggest to you you were bitter about them just about being caught and having to serve a suspension?

A. No, not that. I wasn't bitter about that.

Q. I suggest to you you were bitter towards the CTFA back in 1986 before your hearing was even held before the OTFA.

A. I was not bitter back then.

5 Q. You weren't? Did you file a written statement or did Mr. Gray file a written statement on your behalf at this hearing?

A. I don't recall.

10 THE COMMISSIONER: What hearing is that?
Is that the hearing presided by Mr. Savage?

MR. BOURQUE: Yes, in December of 1986 at the Cambridge Hotel, the OTFA Investigative Committee.

THE COMMISSIONER: Well, I have the 22nd of December. That's Exhibit 141. It's the report from that.

15 MR. BOURQUE:

Q. That's the report. Now, I have a document in my hand which is a six-page document entitled Statement of Peter Dajia.

20 THE COMMISSIONER: Do you want to show it to the witness?

MR. BOURQUE: I'm going to show it to the witness now.

THE COMMISSIONER: Have you seen this?

25 MR. ZAREK: No, I haven't, Mr.

Commissioner. It's never been produced before.

MR. BOURQUE: Could I have your indulgence for a minute.

THE COMMISSIONER: Do you have an extra
5 copy for counsel?

MR. ZAREK: I wonder, Mr. Commissioner, whether or not they have any other documents to produce at this time?

MR. BOURQUE: Unfortunately, I don't have
10 other copies. I didn't expect to have to produce this document, sir.

THE COMMISSIONER: All right, we will take a few minutes then.

MR. BOURQUE: Thank you.

THE COMMISSIONER: Is this the evidence
15 given, Mr. Bourque? There is some reference that these three gentlemen gave testimony.

MR. BOURQUE: Yes, all I know is that this purports to be a written statement sent by Mr. Gray to the
20 investigative committee in advance of the hearing at a time, perhaps, when these gentlemen were not --

THE COMMISSIONER: It was Mr. Gray and Mr. Spiratoso and Mr. Dajia who were appealing or whatever the procedure was.

MR. BOURQUE: Right, but Mr. Gray was
25

carrying the ball. He represented all three of them.

THE COMMISSIONER: I understand, yes. All right. Do you recognize that statement so far?

THE WITNESS: Yes, I do.

5

MR. BOURQUE:

Q. Is that your statement, sir?

A. As far as I can remember, yes.

Q. Take your time.

10

THE COMMISSIONER: Will you show it to counsel, please, first?

MR. BOURQUE: I wonder if we could take two minutes and have copies made.

15

THE COMMISSIONER: You're going to go through this now?

MR. BOURQUE: Just one part of it.

THE COMMISSIONER: We will take five minutes for copies.

20

---Short adjournment.

---Hearing resumed.

MR. BOURQUE: Now have you had an opportunity to look at this statement, Mr. Dajia?

25

A. Yes, I have now.

Q. And on the last page, page 6, I note that this copy has your name typed in the signature blank?

A. Right.

Q. Do you recall this document?

5 A. Yes, more or less.

Q. Do you recall having it prepared with Mr. Gray for the purpose of the OTFA Investigative Committee?

A. I was not prepared, no.

10 Q. I'm sorry?

A. I was not prepared--Rob did not help me in producing this document.

Q. I see. You prepared it by yourself?

A. Yes.

15 Q. Now I would like to draw your attention to page 6. The second paragraph under the heading Monday, July 28th, 1986. This is just shortly--just a month after your positive test or thereabouts; is that correct?

A. Right.

20 Q. And I note in that paragraph, the last sentence--

THE COMMISSIONER: I'm sorry, when was the document prepared? It was prepared for a meeting in December.

25 THE WITNESS: Right.

THE COMMISSIONER: And it's the chronology. I don't know whether this means it was--the last paragraph refers to July--

5 MR. BOURQUE: Let me ask you this. When did you first prepare this, do you recall?

A. Sometime in the fall.

Q. In the fall?

10 A. No, I was keeping a diary of all of this, as it went along.

Q. So these observations contained in the statement were recorded contemporaneously with the dates that are set out in the document?

15 A. Yes. I went through -- as soon as, you know, I heard about the B sample with Otto Jelinek and all that suspending us from funding, I started to log things as far as--as to what I could remember of what happened because I knew I would have to refer to it again.

20 THE COMMISSIONER: You were asked earlier whether you were bitter?

THE WITNESS: Right.

THE COMMISSIONER: Look at page six.

MR. BOURQUE: I asked you if you were bitter back in 1986.

25 THE COMMISSIONER: And on page six it says

you're bitter. Was that referring to July 28th, '86?

THE WITNESS: Yes.

THE COMMISSIONER: So you were bitter on
July 28th, '86?

5 THE WITNESS: More disappointed than
bitter.

THE COMMISSIONER: Well, read your own
statement. Go ahead, Mr. Bourque. That's the point I
think that's being made.

10

MR. BOURQUE:

Q. Yes, your own statement reads, "I am
very disappointed and bitter towards the CTFA and Glen
Bogue who did not go to bat for us because of the feared
15 repercussions from Sport Canada."

Was that statement true at the time?

A. More or less.

THE COMMISSIONER: Is that how you felt on
July 28th or were you just putting all your thoughts
20 together in the fall of '86?

THE WITNESS: That's how I felt on July
28th.

MR. BOURQUE:

25 Q. And you have already acknowledged for

me that you are bitter toward the CTFA at this time?

A. I'm not bitter, I'm disappointed that they treated me like a second-class citizen.

Q. Well, I suggest to you that you are. You're a very bitter man. What you tried to do this morning in giving your evidence about the CTFA is exact vengeance upon the people who found you out and brought you to justice; isn't that true?

A. They didn't bring me to justice.

Q. They caught you.

A. Pardon me?

Q. They caught you, didn't they?

A. That's up to debate still.

Q. They suspended you, didn't they?

A. They suspended me, yes.

Q. In any event, I have no further questions. Thank you, Mr. Commissioner.

THE COMMISSIONER: Any re-examination? Are there any questions that you would like to ask now? Thank you, Mr. Bourque.

THE REGISTRAR: Is that going to be an exhibit, Mr. Commissioner?

THE COMMISSIONER: Yes, 150. We've reached 150. There will be no more exhibits. That's it. That's the last exhibit.

---EXHIBIT NO. 150: Six-page document entitled Statement
of Peter Dajia.

5 THE COMMISSIONER: All right, if you have
any questions now, you can start.

EXAMINATION BY MR. ZAREK:

10 Q. Just a couple, Mr. Commissioner. Back
after you had your discussion with Mr. McAdam, Lane McAdam
in the fall of 1988, where were you spending the fall of
1988? Were you in Toronto?

A. No, I was in Texas.

15 Q. And when you were informed of your
"Official Reinstatement" as a result of the April '88
meeting of the CTFA, was that a full reinstatement or was
that some sort of conditional reinstatement?

A. That was a full reinstatement to the
best of my knowledge.

20 Q. Well, what I am actually talking about
is the period before your testing sample in April of '88.
You had been told by Mr. Bourque whether or not there had
been a reinstatement given at that meeting.

A. They did not tell me at that time, no.

25 Q. You were informed afterwards that the
CTFA had approved you in April of '88?

A. Right.

Q. Now with respect to that, was that a full reinstatement or was that conditional upon this test?

A. That was conditional upon the test.

5 Q. And between the time of April of '88 and the time you had made this threat, had they ever evidenced to you any--they hadn't given you any evidence that they had arranged this test for you?

10 A. Not until the threat or shortly after the threat.

Q. No further questions. Thank you.

THE COMMISSIONER: Mr. Armstrong, any re-examination?

15 RE-EXAMINATION BY MR. ARMSTRONG:

Q. Yes, I have some questions. Looking at Exhibit 150, since this is the last exhibit in the hearing, I can't resist asking a couple of questions about it. Would you turn to page 3. Have you got your
20 statement in front of you? Turn to page 3, please. On Monday, July the 7th, you record a telephone call with Wolf Wedman who was at that time I believe one of the chief executive--or perhaps the chief executive officer of the CTFA?

25 A. Pardon?

Q. Wolf Wedman was what, President of the CTFA at that time or Executive Director or something like that?

A. Right.

5 Q. And you say, "I told him that Bishop would represent me and that I would want the quantitative analysis results when this was all over with. He told me that it wouldn't be a problem. I also asked if part of my sample could be tested somewhere else. He did not give me
10 an answer to my question."

Then two days later, you have a telephone call with Bishop, Wednesday, July the 9th.

"In a telephone call with Bishop, he told me that they would not give him the results nor could we have
15 our samples tested elsewhere." Was that the information you got?

A. That's correct.

Q. Now would you go over the page to July the 17th? You make a note that, "It was announced that we
20 were suspended for life by the minister. He did not take into account that I was never carded, and what's worse, we did not get a chance to dispute the charges nor would the SMCC listen or talk to our medical personnel who had a valid proposal." What was that? You wanted the SMCC to
25 talk to your medical doctor?

A. We wanted the SMCC to put pressure on Dugal to release the results.

Q. I see.

THE COMMISSIONER: Your medical personnel was who, Dr. DePasquale?

THE WITNESS: Well, I'm not sure at the time. We just wanted it open for review to get other personnel to look at it.

10 MR. ARMSTRONG:

Q. All right. Then you record a telephone call at the bottom of page 4 with Glen Bogue, who at that time was the athlete's representative of the CTFA?

A. Yes.

15 Q. And you record, "Glenn Bogue called to ask me if I wanted an urgent appeal. I asked him about the procedure of an urgent appeal, at which point he had no answer as to what could happen. I also mentioned that in order to have an appeal, that I needed certain
20 information for my defence, at which point Glen stated that the quantitative data that I had asked for did not have to be released to me."

25

And further down the page, he then asked me what information I needed for an appeal. I replied that I needed the quantitative data from the 19-nortestosterone and ratio testosterone to epitestosterone.

5 He said he'd call back at which point I also asked him to find out what the weightlifters tested positive for.

And then he seems to have called back in the afternoon and you record this -- first of all, let me ask
10 you this. Did you have that telephone call ---

A. Yes, I did.

Q. ---that you've recorded there? Then in the afternoon, Glen called back stating the information was on its way. He also told me the weightlifters tested
15 positive for the same drugs, 19-nortestosterone and banned levels of testosterone.

He also stated that the quantity of 19-nortestosterone in my system was between 10 and 20 nanograms per millilitre.

20 I replied words like about mean -- words like 'about' mean nothing about to me, Glen. I thought since this machine was so sensitive it could not make a hundred per cent error on its calculation. I then told Glen that this information would not do.

25 He answered that they, I presume he meant

the CTFA or SMCC did not have to forward anything to us.

And does that accurately record that telephone call?

A. Correct.

5 Q. Then you make a note on Friday, July the 25th, that you had received a letter from the CTFA dated July 23rd. Yet inside the letters were dated July 15 and July 23rd, respectively. I don't understand what you mean there. What do you mean by that?

10 A. I really can't remember right now.

Q. In any event, you say, ask myself what would cause such a delay in receiving material asked for. All this material turned out to be was the urinary PH and the level of caffeine. The quantitative data we asked for
15 on the steroids was not present.

A. No, it wasn't.

Q. And in your examination by Mr. Barber, he, in effect, made a statement that said that -- and it may turn out to be the case -- I don't know, but he
20 suggested that considerable efforts were made to satisfy your request for information.

Now, I don't think he gave you an opportunity to respond to -- to any particular question. But, so far as you are aware, throughout this process, did
25 you or your representative, Mr. Grey, or anybody else

representing you, ever receive the lab results of your test from Sport Medicine Council of Canada, the CTFA or Dr. Dugal or anybody else?

A. Never.

5 Q. Now, the -- there was one other question, Mr. Commissioner, that I wanted to ask Mr. Dajia which I had overlooked in my examination in chief but I don't think it relates to any of the particular interests represented, so if I may?

10 Mr. Dajia, you told us this morning that your decision to go on a steroid program was really had its genesis in a discussion you had with your coach or a coach called Mike Mercer?

A. Correct.

15 Q. And he, in effect said to you, look, Peter, if you're going to compete as a competitive thrower, you've got to do what the other throwers are doing, you've got to get yourself into a steroid program. I'm paraphrasing what you said?

20 A. Correct.

Q. And we know that you then went on a steroid program or obtained some steroids in Toronto. You went down to begin your track scholarship at Clemson, right?

25 A. That's right.

Q. And you've told us about the steroid program you were on both at Clemson, subsequently at Texas, right.

A. Right.

5 Q. I understand, as we went through your career, you indeed competed, apart from the time you were injured, at the U.S. intercollegiate level for four seasons?

A. Right.

10 Q. And when you went down to the States and indeed were there for four years, did you come to any conclusion as to whether your fellow competitors in the throwing events were similarly involved in a steroid program?

15 A. Most definitely.

Q. And, indeed, was it often a topic of conversation?

A. Yes, it was.

20 Q. And going beyond the throwers, did you, in your track and field career at the intercollegiate level in the United States, have occasion to become aware of athletes in other events using steroids?

A. There were distance runners, sprinters, jumpers, you name it. All the events, they used it.

25 Q. All right. And so, I take it you would

have come to the conclusion that the use of steroids in the sport of track and field, during the period of the '80's when you were in the United States intercollegiate scene, was not by any means an isolated occurrence?

5 A. No, it wasn't.

MR. ARMSTRONG: Those are all the questions I have in reply.

THE COMMISSIONER: Thanks. I just have a few questions arising out of this latest document. The
10 hearings conducted by Mr. Savage and his colleagues was on behalf of Mr. Gray, Mr. Spiratoso and yourself?

THE WITNESS: Right.

THE COMMISSIONER: And you were all tested positive following the same event?

15 THE WITNESS: Right.

THE COMMISSIONER: Were you competing with each other by the way?

THE WITNESS: Pardon?

THE COMMISSIONER: Were you all in the same
20 event?

THE WITNESS: No, Mike and I were in the shot and Rob was in the discus.

THE COMMISSIONER: And are you aware whether they were also on Dianabol?

25 THE WITNESS: I do not know.

THE COMMISSIONER: Now, in your statement you record a conversation with Mr. Brogue and, "He asked me what I had taken." I'm looking at page 2.

"He said I should come out, confess for a lighter sentence. I said replied; Glen, the joke has gone far enough. All I was taking was my asthma medication and inosine which are perfectly legal."

So that was your position on the appeal?

THE WITNESS: Yes.

THE COMMISSIONER: But, with respect to -- the appeal was really based on a fraudulent premise, wasn't it? Because if you've said right there, I was taking Dianabol and Anavar, then that's the -- you had to be suspended?

THE WITNESS: Right.

THE COMMISSIONER: Now, Mr. Brogue gives -- at that time, what was Mr. Brogue -- I know his name has come up before. Was he the athlete's representative, is that what he was, at that time?

THE WITNESS: I believe so. I think he has -- he had the same job as Steve Findlay.

THE COMMISSIONER: I see. All right. Well, thank you very much, Mr. Dajia. I understand you have to get back to write some exams at your college.

So, we'll adjourn today. Thank you for

coming from Texas and tomorrow morning at ten o'clock.

Thank you.

---Whereupon the proceedings were concluded to resume at

5 ten o'clock, April 27, 1989.

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